



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, TUESDAY, FEBRUARY 7, 1995

No. 24

## House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. BURTON of Indiana].

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 7, 1995.

I hereby designate the Honorable DAN BURTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

### MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

### REASONS WHY PRESIDENT CLINTON SHOULD NOT MEET WITH PRESIDENT YELTSIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Indiana [Mr. ROEMER] is recognized during morning business for 2 minutes.

Mr. ROEMER. Mr. Speaker, I rise this morning to encourage my colleagues to sign a bipartisan letter that I am circulating with the gentleman from Virginia [Mr. WOLF] today. We have already gained 20 other signatures, bipartisan signatures on this letter that would say to President Clinton

and, in very strong terms, suggest that he not meet with President Yeltsin at the upcoming summit in May. We urge him not to do this for a number of reasons, because the United States has so much at stake in continuing to see Russian economic and political reform.

The first reason, Mr. Speaker, is that the Russian economic and political reform efforts are on very shaky ground. As the Russians now fight this war in Chechnya, they have diverted over \$2 billion that should be going to stabilize the ruble, to support the economic efforts we have supported through loans through the IMF and other world banks totaling over \$12 billion. These efforts are critical if the Russians are to work their way to a free market system and to continue to work toward a more open and democratic system in the new Russia.

Second, future issues are at stake, future issues that are important to the United States and a good, strong, healthy relationship with Russia. We need to be on good terms with Russia in terms of Bosnia and peace in that very unstable part of the world. We need to work with the Russians on START and other nonproliferation treaties, and we need to work with them on the future of NATO.

Third, we encourage the President not to meet with Mr. Yeltsin in May because of the human rights violations going on in this terrible war between Russia and the Chechnyan people.

I would encourage my colleagues to sign this letter. We are not saying that Mr. Christopher and Mr. Karadzic cannot talk. We are saying symbolically the President should not at this point sit down with Mr. Yeltsin at this very precarious time as the Russians are fighting a very, very bad war in terms of diverting their resources away from economic and political reform.

### 75 SPECIFIC DISCRETIONARY CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, today I present my annual list of specific spending cut suggestions. I introduced these yesterday in the RECORD. Today I want to talk a little bit about them and elaborate on them.

These are 75 discretionary cuts which would save an estimated \$275 billion, those are taxpayer dollars, over the next 5 years. That is just about double the amount of spending cuts the President has offered us in his most recent budget package.

These savings could be produced without touching a single non-discretionary item. Let me put that into English for the rest of America. Nondiscretionary item would mean entitlement, and that translates into Social Security, Medicare and so forth, Medicaid. This list of budget cuts I am submitting does not touch Social Security, Medicare, Medicaid or any of those items that we call entitlements. It is only the discretionary items, the things that we control the purse strings on here in the House of Representatives, the power of the purse as it were.

It is imperative that before we ask Americans to sacrifice any of their earned benefits we demonstrate an ability to root out the hundreds of billions of dollars of wasteful spending in this Government. And that is not just rhetoric. That is something that the Grace Commission, the GAO, anybody who has looked at our spending here will tell you, that every year we have waste by the billions, by the tens of billions, by the hundreds of billions.

How in the world are we going to balance the budget and do all of these things we have promised if we have

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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that kind of waste at that level? The answer is we are not until we get at it, and the hard work of pinning down the specifics has got to start somewhere. That is why we submit our list of what could be cut.

Mr. Speaker, an administration official was quoted in Sunday's Washington Post as saying that "While the deficit is not optimal, it is not out of control." Let me tell my colleagues, the national debt is \$4½ trillion. The debt service on that is about \$250 billion every year, every year, \$250 billion, so that is a trillion every 4 years just in interest payments. Put simply, this empty rhetoric does not put, in my view, the administration in a very good light. I wonder what an optimal debt situation would be.

The White House has consistently ignored the tremendous waste and duplicative spending in the Federal budget and our Federal Government. We have seen that in the budget that they sent up. Instead of opting to try to reduce the deficit through tax hikes and on the backs of senior citizens, they should be looking at cuts, not raising taxes.

Mr. Speaker, the American people sent a powerful message to this Congress that was loud and clear, and it was cut spending, and do it now, get rid of the waste, the redundancy, the out of date, the off-target, the things we do not need anymore. The American people did not say trim a little here or trim a little there. The American people did not say move with caution and go slow. The American people told this Congress to look for any and all wasteful spending and get rid of it, take it out.

The Vice President complained yesterday that "Republicans haven't put any cuts on the table." Well, they cannot say that anymore, because the cuts are out there for all to see, a list of 75 totaling \$275 billion over the next 5 years. I stand before this Congress with most of the same cuts I introduced in the past two terms, and some of them which we have made some progress on, but most of them have gone untouched. So we are still able to come forward with a list of waste of 75 items.

I invite the administration to debate us on the specifics. Tell us why we need to be spending \$140 million on grants to prepare youths and adults to be home-makers. Explain to the American people why when 99 percent of America's farmers have electricity and 98 percent have phones we need to be spending billions of dollars in assistance to rural electric and telephone utilities.

The American people deserve better. They need answers. They deserve full debate on these and other programs that serve narrow special interests rather than the collective good of our country and all taxpayers.

Mr. Speaker, we must strive to move beyond the rhetoric, to achieve the fundamental change that we talk about here with real action and with specifics. It is time to debate real spending

cuts and real fiscal reform, and I am confident if we do we actually will have taken a very important step toward restoring fiscal responsibility and, perhaps even more than that, retaining, restoring some of the credit that this institution needs to build with the American people.

We have done the balanced budget program in the House. We have passed it. We have done that unfunded mandates program in the House. We have passed it. We did the line item veto. We did it yesterday, we passed it. We are going to be talking about and going to introduce a supermajority to raise taxes. Those are all critically important tools to get a handle on spending, to make sure we do the right thing.

But the proof will come. Do we have the courage, do we have the wisdom to pick out the things that are true waste and start chopping them? That is actually the easiest part of the job. If it is not doing much for very many Americans, then why are we spending a lot of money on it? Usually the answer is political. "Well, it's in my district," or "I hate to do something to that program to cut it." That is something we cannot be doing anymore. We cannot afford it, and it is not good expenditure of money.

Accountability time has come, and we welcome accountability time, and I welcome the American people to take a look at our list of 75 cuts.

#### COMMONSENSE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Missouri [Mr. SKELTON] is recognized during morning business for 5 minutes.

Mr. SKELTON. Mr. speaker, we are at a crossroads in American military preparedness. Since the Iron Curtain collapsed in 1989, the quantity and extent of U.S. military commitments abroad have stretched our forces thin. Today, there are signs of a serious weakening in troop training readiness. The Pentagon reports that key modernization programs have been interrupted to pay for current operations and an ailing base infrastructure.

We have reduced our military too far and too fast. If we continue, by the end of the decade we won't have the military power to shape a peaceful and prosperous world. Without security, peace, and free trade, all Americans lose.

The erosion in military preparedness disturbs many of our Nation's leaders. President Clinton recognized the shortfall in December when he added \$2 billion to this year's defense budget. Several Members of Congress proposed staying at the fiscal year 1995 budget level, adjusted for inflation. That amount, about a \$14 billion increase, would be a major step toward bolstering American military preparedness.

Some critics argue that defense increases are not needed because today's world is less dangerous. They fail to re-

member that in 1994 the United States came close to armed conflict three times. In June, we deployed additional forces toward Korea to halt the production of nuclear weapons. In September, we sent 22,000 troops to Haiti to restore democracy and stop the flow of refugees to our shores. Then, in October, we responded to Saddam Hussein's move to imperil the world's oil supply. These occurred during ongoing American military commitments in the Sinai, Rwanda, Macedonia, Cuba, Bosnia, Turkey, Panama, Okinawa, and Western Europe.

In 1993, the administration outlined our national security strategy in the Bottom-Up Review. It reasonably concluded America needed enough military forces to fight and win two major regional conflicts, nearly simultaneously. Our recent trials with North Korea, Haiti, and Iraq affirm this two-war strategy.

But our experience under the Bottom-Up Review, now approaching 2 years, suggests that we cannot take our force structure any lower. Indeed, modest increases are needed.

Events in 1994 revealed our military is on the verge of being over-committed. Our experience in the new security environment also teaches that the Bottom-Up Review incorrectly assumed we can withdraw troops from peacekeeping and humanitarian relief commitments to fight a major regional conflict. Disengagement inflicts high cost.

Some critics, observing defense officials juggle resources among competing demands, suggest we've sacrificed modernization for readiness and quality of life. They've got it wrong. A serious imbalance does exist, but it's because all three are underfunded. Simply put, we are not adequately funding our strategy that ensures American security. The shortfall is not large, but it is big enough to create disturbing imbalances in our current military posture. We cannot allow troop morale, training readiness, and force modernization get out of balance. Common sense says we should eliminate this strategy-resource mismatch to restore our overall military preparedness.

My defense plan for fiscal years 1995-99 which I propose today, provides a \$44 billion increase to add force structure; pay for peacekeeping obligations; and correct the imbalance in readiness, modernization, and quality of life. With this prudent investment, we can eliminate an over-committed force structure. We can meet our military commitments abroad. We can restore a high level of readiness. We can provide an adequate quality of life for our deserving service personnel. And we can continue to modernize our forces to be prepared for future threats. It is right and it is affordable.

The choice is clear—continued decline or prudent restoration of our military preparedness. Will the history books say that American service men and women who performed unselfishly

in our Armed Forces had the strong support of the Congress of the United States? Or, will the record show that the Congress chose to leave them unprepared for the difficult trials asked of them? Common sense says that a secure and prosperous America can afford adequate, fully trained, properly equipped, and highly prepared military forces.

#### HISTORIC CHANGE IN THE CONGRESS OF THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. WELDON] is recognized during morning business for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, this morning I rise to talk about what I feel is a historic change in the Congress of the United States.

When I was running for Congress last year and I received the Contract With America in the mail, I was very, very pleasantly surprised, because when I read through the contract I felt like I was reading my own campaign platform. For months I had been campaigning on how we need to reform the Congress itself and how the Congress does business, how we needed to shrink the size of Government, and how we needed to start in the Congress itself by reducing the number of committees and the number of committee staff.

One of the most important things that I ran on was how strongly I felt that the Congress needed to make all of the laws that they exempted themselves from apply to themselves. Indeed, I was very impressed when I read in the Federalist papers No. 37 written by Madison, how he described in that paper how the Congress should not be allowed to pass laws that did not apply to themselves and their friends.

Mr. Speaker, I am so delighted to actually be here and to see us fulfilling our commitment to the American people, how on that historic day on January 4 we passed all of those congressional reforms reducing the staff, reducing the number of committees, and then how we went on to pass legislation making all of the laws the Congress had exempted themselves from applying to the Congress itself.

Then in recent weeks we have seen historic vote after vote, the passage of a balanced budget amendment, the passage of legislation stopping the practice of passing unfunded mandates on to our cities and on to our counties. I heard over and over again in my campaign from local legislators, local politicians how the burden of unfunded mandates and regulations was killing them.

Then last night again we had another historic vote where a Republican Congress, with a sitting Democrat President, voted to give the President line-item veto authority. It was doubly ironic, it was sweet that this occurred on the birthday of President Ronald Reagan, a man who had campaigned

over and over again for the need for a line-item veto for our President. He stated over and over again how there were dozens of Governors in our Nation, in our States who have line-item veto authority, and how they exercise that line-item veto authority prudently to pare back pork-barrel spending and to trim State deficits and help State governments to be more efficient.

Last night we had a historic bipartisan vote where we passed a line-item veto.

Mr. Speaker, we have many, many more important votes coming before this body, votes on some real criminal justice reform to lock up violent offenders, some real welfare reform. Mr. Speaker, I am excited and delighted to be here and be part of this historic Congress, restoring to the American people, their body, faith in Government again.

□ 0950

#### MINIMUM WAGE

The SPEAKER pro tempore (Mr. BURTON of Indiana). Under the Speaker's announced policy of January 4, 1995, the gentleman from Alabama [Mr. HILLIARD] is recognized during morning business for 2 minutes.

Mr. HILLIARD. Mr. Speaker, I rise in support of increasing the minimum wage. Lately I have heard a lot of rhetoric which is both misleading and dead wrong.

Just this Sunday I heard it stated that the only people who work minimum wage jobs are high school and college age kids. Mr. Speaker, this may be true in the wealthier suburban areas of this country, but I wish to tell you that in Appalachia or in the Mississippi Delta or in the Black belt of Alabama or in Watts, in Harlem, this is just not the case, and I wish to inform all of those persons who are misinformed that these are jobs that people work to live, and they are not living the American dream. They are having difficulties just living. They are having difficulties in many ways trying to find a decent place to live, because of the low wages that they receive. These are not people who are on welfare, but these are Americans. They are those who reject welfare. They are those who try to live within the system.

Yes, they have a hard time living the American dream, but these are good Americans. They work minimum wage jobs in many instances, because there are no other jobs available in the communities where they live. These are hard-working Americans.

Some of them have high school diplomas, and some who even went to college; many of them are too proud to take welfare, so they are stuck in these low-paying jobs.

Mr. Speaker, we talk a lot about welfare reform, and getting many of our citizens off of welfare. I believe we owe it to these working Americans, these young adults who work minimum wage

jobs, the working mothers and fathers, the seniors trying to make ends meet. Yes, we owe it to them who are in the job market to raise the minimum wage.

This act may be the finest welfare reform bill which we vote on during this session of Congress.

#### THE PROPOSAL TO LIST THE ARKANSAS RIVER SHINER AS AN ENDANGERED SPECIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Oklahoma [Mr. LUCAS] is recognized during morning business for 5 minutes.

Mr. LUCAS. Mr. Speaker, I say to my colleagues if you are fishing in the Arkansas River Basin, you had better watch what you put on your hook. There is a mighty dangerous little bait fish lurking in the basin's waters when there is water in the basin.

This little bait fish might have the power to stop those in the agriculture industry from irrigating their land, or protecting their crops. This little bait fish might inhibit rural towns from utilizing their primary water sources. This little bait fish might even stop a major metropolitan area from completing its \$250 million downtown restoration project which is crucial to its economic future. Yes my colleagues should know there is a dangerous little bait fish lurking in the river.

The Fish and Wildlife Service is considering whether to put the Arkansas River shiner on the endangered species list. As a new Member of Congress, I am truly underwhelmed by my first dealings with this segment of our Nation's Government. On September 15, 1994, I joined Congressman PAT ROBERTS of Kansas, and Congressman LARRY COMBEST of Texas in sending a letter to Ms. Mollie H. Beattie, the Director of the Fish and Wildlife Service, expressing our thoughts on the Arkansas River shiner proposal. To date, neither of my colleagues nor I have received a formal reply.

In our letter, we stated that we were concerned that the listing of the Arkansas River shiner could result in land- and water-use restrictions and other prohibitions that preclude full economic use of property, lower property values, and decimate the economies of the communities in the area. We further urged the Fish and Wildlife Service or an appropriate Government agency to conduct an assessment of the economic impact of any proposal to preserve this little bait fish.

In recent history, western Oklahoma, the Texas Panhandle, and western Kansas were the heart of the legendary Dust Bowl. One generation removed from today's watched as their top soil dried up and blew away. The fact that thriving economies have developed on this once barren land is a testament to the drive and fortitude of the people that live there and their ability to use

the resources available to them. The most important of these resources is water. All of us who live in the region will fight any attempts to turn back the clock of progress.

While I believe the Endangered Species Act is important, I believe as written it is flawed because of its lack of human compassion. Economic impact and private property rights must be taken into account in future draftings of the act.

Many of my colleagues know, there is a strong push in the early days of the 104th Congress to put a moratorium on any future endangered species listings until the act is reauthorized. I support this effort wholeheartedly and have sponsored both the Farm, Ranch and Homestead Protection Act of 1995 by Mr. SMITH and the Endangered Species Moratorium Act by Mr. BONILLA. I would urge my colleagues to do the same.

Beware, there is probably a little minnow lurking somewhere in your district too.

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#### INCREASE IN MINIMUM WAGE LONG OVERDUE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. HINCHEY] is recognized during morning business for 2 minutes.

Mr. HINCHEY. Mr. Speaker, I would like to commend the Clinton administration for taking action on behalf of working Americans today and raising the minimum wage.

The administration's action is long overdue and I hope this wage increase will help the working families of my district—and the Nation—to share in the economic recovery that we read so much about.

According to the Labor Department, the Employment Cost Index, which measures the wages, salaries and benefits paid to American workers, rose by only three-tenths of 1 percent during the past 12 months—the smallest annual increase on record.

This means that wages and benefits have failed to rise in response to economic growth and lower unemployment.

This is not a normal economic recovery in which wages rise as the economy picks up steam.

The Federal Government has few opportunities to improve the wages and benefits of America's labor force and subsequently improve the quality of life of working Americans. Adjusting the minimum wage is one method available.

Today, I applaud President Clinton for attempting to deal directly with the declining standard of living for working Americans.

An increase in the minimum wage is long overdue and I support President Clinton's effort to strengthen the economic outlook for working families.

#### THE CAN DO CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, what we have seen in the past 30 days is a stark contrast between the can-do Congress and the me-too White House.

Let us just review a little bit about what this can-do Congress has done. By the way, the can-do Congress is something that is being said about our U.S. Congress in international reports. If you pick up the Herald Tribune in Europe or if you pick up any of the London papers, you find out there is tremendous celebration and rather a fair amount of amazement that the U.S. Congress can get so much legislation accomplished in so little time, in such a short time.

What exactly have we done? Well, first of all, we reformed the process. We required Members of Congress would actually have to be present at committee meetings to vote on the bills that are being marked up at those meetings. It means no more proxy voting. It requires our presence at those meetings. We cut staff by a third. We cut the budget for the Congress itself, and we have cut two standing committees, the first time since the 1940's, as well as 27 subcommittees.

So we have reformed this process to make it more efficient, more streamlined, more workable.

And we passed the Congressional Accountability Act. It seems like a very simple concept. We had not even been able to get it to the floor of the Congress for a vote before this session.

We passed the balanced budget amendment for the very first time. We voted on that many times on this floor. We actually passed it. We passed an unfunded mandates bill that requires analysis before we go putting mandates on the States. We have to know exactly what it is going to cost on a State or a local community.

And last night we passed a very important piece of legislation, the line-item veto. The line-item veto is something President Clinton asked for in the 1992 campaign. He did not talk about that very much in the 103d session of Congress, the last session of Congress.

I might go through a few of these things, too, that Mr. Clinton campaigned for in 1992. He campaigned for unfunded mandates reform both as a Presidential candidate and as the Governor of the State of Arkansas. He campaigned for reforming the process, and he campaigned for a middle-class tax cut, all of which are in our Contract With America, and yet last fall what did he do, he called this not a Contract With America but a contract on America. Now, he is back to being me too, but so that he will say, "Well, me, too, we want to do this as well with some exceptions or some provisions or some considerations."

What did he present to us yesterday? He presented to us his version of the 1996 budget for the United States of America for the Federal Government, and without overreacting to that budget, because in a way you have to remember, you have to remind yourself this is not that important an event since he does not have the votes in the Congress to pass the budget anyway, but let us look at what he did do and, in my view, what he did is he went through the motions. He is treading water. He produced a document that he has to produce because of a law that says that he has to send a document to the U.S. Congress.

But it essentially does not make any real changes. What it does do is it continues \$200 billion deficits all the way through to the 21st century. What it does do is it adds in the next 5 years, it adds \$1 trillion to the national debt. What it does do it makes the interest payments projected for the year 2000 to be \$310 billion, when we spent \$204 billion on interest in 1994, in other words, a 50-percent increase in interest payments alone in this budget.

And it is clear that there is no will for bringing us to a balanced budget. It is clear from testimony that the Director of the Office of Management and Budget, OMB, Alice Rivlin, gave several weeks ago to my Judiciary Subcommittee, that not only is there no plan for it, but there is no real desire to balance the budget in the White House.

What we have got is we have got a can-do Congress that is actually keeping the promises that it made to the American public. It is re-instilling a sense of confidence in the integrity of this institution. It is re-instilling a sense of confidence in the American people's own ability to elect officials who will do what they said they would do, that this is an institution which can accomplish things, which can get things done, instead of pretending to get things done all the while obfuscating and making every attempt to only create the appearance of activity when, in fact, the real issue is to keep things under wraps.

So here we have got the can-do Congress versus the me-too White House. Keep your eyes posted on what happens in the next month.

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#### IN SUPPORT OF RAISING THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I am here to commend President Clinton for initiating the minimum wage increase, 45 cents for this next year and 45 cents for the next.

It is interesting to note that this morning in USA Today, America's newspaper, 77 percent of all Americans approve of this measure. We cannot

allow hard-working Americans to work full-time and not make enough money to pull themselves out of poverty. Eleven million Americans in this country rely on the minimum wage to support themselves and their families. Sixty-four percent of all minimum wage workers are adults with families to feed and rent payments to make.

Today the average minimum wage worker brings home about half of his or her household's weekly earnings. Let me tell you about a family who lives in Clovis, NM, who shared their monthly budget with me. They are a married couple with a 4-year-old son. They both work 40 hours a week at minimum wage jobs. They pay \$450 a month for child care, \$70 dollars for utilities, \$435 for a two-bedroom apartment, \$110 for a car payment, \$45 for car insurance.

After fixed costs, they have just under \$300 a month left to pay for gas, clothes, groceries, and health care. If their little boy gets an ear infection and goes to the doctor, they must feed their family on \$35 a week. If their car break down, they feed and clothe their family on \$20 a week.

This family is not alone. Just in my own congressional district, over 30,000 people get up and go to work every morning to earn a wage that, at the end of a full week, will not even bring them above the poverty level and the ranks of the working poor in our country are growing.

The economy is good. The unemployment rate is at its lowest level in years. The help wanted index is climbing. Yet some hard-working Americans are just not making it.

If left unchanged, by next year the minimum wage will be the lowest point in 40 years. If you are tired of seeing the welfare rolls grow, then let us make work pay. If someone cannot earn enough money working 40 hours a week to feed their family, then we are forcing them into the welfare office. We are telling them it is more profitable to collect than to work.

Do not be fooled by the argument that a modest increase in minimum wage eliminates jobs. Over a dozen recent economic studies have found that modest minimum wage has had an insignificant effect on unemployment levels and has boosted total worker income. Nine states currently have minimum wage levels higher than the Federal minimum wage, and in these States, increasing the minimum wage did not eliminate jobs.

A December Wall Street Journal poll found 75 percent of Americans support raising the minimum wage. To my colleagues, I say the message is clear, minimum wage earners can no longer make it on their salaries, 11 million Americans would get a pay raise if the minimum wage is increased to \$5.15 an hour. A 90 cent per hour increase in the minimum wage means an additional \$1,800 for a minimum wage earner who works full-time year around.

This is as much as the average American family spends on groceries over 9 months.

Five years ago this body voted to increase the minimum wage by a vote of 382 to 37. The large majority of Americans support it. It is time to raise the minimum wage.

#### ACCOMPLISHMENTS OF THE 104TH CONGRESS IN ITS FOURTH MONTH

(Mr. EHLERS asked and was given permission to address the House for 1 minute.)

Mr. EHLERS. Mr. Speaker, last month a very important event occurred. We passed a bill giving the President line-item veto authority. We hope this will also pass the Senate and be signed into law.

What is remarkable to me is the pace of what we have been doing in this Congress during the past month and the accomplishments we have made.

And those of you who know me well know I am not this sort of person who brags. In fact, I was born in Minnesota, just like Garrison Keillor, I am somewhat shy and humble. As Garrison Keillor does occasionally, I have to talk about what we do.

We are often criticized as being a do-nothing Congress. I would like to announce we now have a do-something Congress, and I have the figures to prove it, and in the words of the gentleman from Ohio [Mr. HOKE], who spoke a few moments ago, a can-do Congress.

If you look at what this Congress has accomplished in the first month compared to Congresses of the past dozen years, it is striking. The number of hours spent in session, the average for the past 12 years, 28, our Congress, 115, three times as much; number of votes on the House floor, 9.3 is the average of the past dozen years, this year 79, roughly eight times this many; number of committee and subcommittee sessions, average before, 25, this year 155, six times more; number of measures reported out of committee, the average, 1.6, this year, 14, about nine times more.

This Congress is not in the process of reinventing Government, to use that term that is often used. We have a new way of governing. We are getting things done. Not only have we passed a number of important measures such as the balanced budget amendment which Congresses have tried to pass for 40 years or the line-item veto which has been discussed for many years, we have also passed unfunded mandates reform which the States desperately want. We passed the Congressional Accountability Act which applies many of the work place laws to Congress itself. Previous Congresses have exempted themselves.

I think what is even more striking are the internal reforms that we have accomplished, many of which were done the first day of Congress. We have eliminated proxy voting which I felt was an abominable practice. We have

cut committee staff by one-third. We have reduced the number of committees and subcommittees.

And I wish all the people in this land could walk through the basement corridors of the Cannon Building and some of the other buildings and see the dozens and dozens of desks lining the walls in the corridor, the hundreds and hundreds of file cabinets that are there and will be auctioned off because they are no longer needed. The staff that used those desks and those file cabinets are no longer here. Congress truly has cut back, and I hope that trend continues.

I think we have to have many cuts in the budget of this Nation, but we have to start with ourselves first, and we have done that.

We have open committee hearings to the public, and we have made dozens of other changes in reforming the way Congress operates, even on such mundane matters as parking. It was discovered that some lobbyists had been given parking privileges in the parking garages here in our buildings, and that has been stopped. Providing parking for partisan political organizations has been stopped.

What I want all of us to recognize and to appreciate and in fact celebrate, is that we are governing in a different way, and the people of this Nation have responded.

Last year the favorable rating of Congress was about 14 percent. It is now almost 50 percent. We have really made progress in changing things, and the public is responding and saying, "Go on. That is what we like. Keep it up."

Now, I do want to warn the people of this Nation that these cuts we imposed on ourselves, as I said a moment ago, are a precursor of what we will be doing to the entire budget, and no one likes to have their part of the budget cut, but everyone is going to have to share the pain, because the people of this Nation have said, "Enough, we want our budget balanced. We want our taxes to be reasonable. We want our country to go forward and operate the way we have to operate our families and stay within our income."

This Congress has pledged to do that.

#### INTRODUCTION OF LEGISLATION CONCERNING MEXICAN RESCUE PACKAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Ohio [Ms. KAPTUR] is recognized during morning business for 3 minutes.

Ms. KAPTUR. Mr. Speaker, in order for Congress to begin to fulfill our duty under our Constitution regarding the Mexican rescue package, my colleagues and I have introduced a privileged resolution, House Resolution 57. This resolution will be brought up today under special parliamentary procedure after the 1-minute session and the Journal vote this morning.

Our resolution does two things: It reasserts Congress constitutional authority in regard to the purse strings of this Nation, and it also asks the Comptroller General of the United States to report back to the Congress within 7 days on how our tax dollars are being used.

Four men in this Congress and one in the White House do not a republic make. Our bipartisan resolution speaks on behalf of the vast majority of American taxpayers who have clearly said to us that they do not want their money put at risk to ensure a foreign nation nor its creditors.

We were told NAFTA would not result in a great sucking sound. Well, it has not only resulted in a sucking sound of jobs, but now also our taxpayer dollars. To the unilateral actions of the administration in concert with four men here in the Congress, the American people have been denied their just voice on such a consequential matter.

Our Government is not a monarchy. It is not a parliament. We are not here to approve what the Executive does. This legislative branch has equal powers in the law.

Let me read you two sections of the U.S. Constitution which pertain to the powers of Congress in this regard; under article I, section 9, the Constitution states, "No money shall be drawn from the Treasury but in consequence of appropriations made by law." And under article I, section 8, the Constitution states, "Congress has the power," and I underline Congress, "to pay the debts and provide for the general welfare of the United States, to borrow money on the credit of the United States, to regulate commerce with foreign nations, and to coin money, regulate the value thereof, and of foreign coin."

As is evident in this reading, the administration's recent decision to extend United States taxpayer funds to the Mexican Government and its Wall Street creditors without a vote of Congress is a direct violation of the spirit and letter of our United States Constitution. Where in the Constitution does it say that the executive branch has the sole power to create new money and use that money to fund a multibillion-dollar back door foreign aid program for Mexico without the approval of this Congress? Where in the Constitution does it give the executive power to make U.S. taxpayers liable for the mistakes and machinations of a foreign government and its rich U.S. speculators from the United States who went south in search of quick profits?

Today vote for House Resolution 57. Reassert Congress' proper duty and obligation.

□ 1015

PRESIDENT'S BUDGET DOA,  
DEVOID OF ACCOUNTABILITY

The SPEAKER pro tempore (Mr. BURTON of Indiana). Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. HORN] is recognized during morning business for 3 minutes.

Mr. HORN. Mr. Speaker, when Democrats controlled this Chamber and Republicans were in the White House, the budgets submitted by Republican Presidents were always considered DOA, dead on arrival.

Well, we Republicans who are now in the majority will not follow that tradition. We will take a good, hard look at what the President proposes, and where we find common ground, we will work with him. But it is clear that the President's budget is not nearly as aggressive as it should be in reducing the size and the power of the Federal Government.

The few cuts that are there are half-hearted, and spending is still going up too rapidly. In fact, this budget calls for a \$50 billion increase in spending from the current budget.

So much for leadership. The Wall Street Journal reported that the budget "makes little further progress in reducing the deficit." So much for leadership.

The paper reports that the President's game plan is to let Republicans make the hard decisions. This is not Presidential leadership; it is Presidential abdication.

You know, come to think of it, maybe the President's budget is DOA. But that is not dead on arrival, that is devoid of accountability.

THE \$50,000 TAX DEDUCTIBLE  
DINNERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I come to the well to speak about something that troubles me a lot. I spent 3 years of my life, and I must say they were miserable years, studying the Tax Code when I was in law school. And the one thing that was very clear in our Tax Code was you did not get a charitable deduction for political donations. If you gave to charity, fine, you got a charitable deduction. But if you gave to politics, you did not get one.

I think most of us as Americans think that that is the way it should be. But we are in interesting times, very interesting times. We have a new Speaker who has found ways to stretch these things, and tonight we have a very interesting occasion going on, showing how these bright lines are being blurred more and more.

If you saw the Chicago Tribune today, they are mentioning the Speak-

er's dinner tonight, which will cost \$50,000 a plate—\$50,000 a plate. But unlike a normal political contribution, \$19,800 will be tax deductible.

Now, what is this dinner about and how do you get the tax deduction? Well, you get the tax deduction because they are saying it goes to a non-profit organization. But that organization happens to be the Speaker's television network called National Empowerment Television. And what is it? It does not even pretend to have balance. It does not even pretend to present both sides. It presents NEWT's views 24 hours a day. I do not think NEWT's views qualifies as news all the time, and I do not think that is what the Tax Code was meant to back.

So you see, now really an indirect taxpayer subsidy is going to this television thing that is absolutely nothing but broadcasts of whatever they want to put on. That looks terribly political, and I think is terribly political.

At the very same time you see them taking on public television, which is a different kind of direct subsidy which does attempt to be balanced and does let everybody on.

Now, is it not interesting? While you hear they don't want taxpayer subsidies of that, they are perfectly willing to craft these dinners that only let in people from a certain strata of society. Believe me, to pay \$50,000 for a dinner you have got to come from a lot wealthier background than I do in my district. You get a House for \$50,000. Nobody would ever think of paying \$50,000 for a dinner.

Also think about if you are an average tipper like I am and you did a 20-percent tip. A tip on that \$50,000 dinner would equal what the average minimum wage earner earns in a year. Just think, one tip on one dinner, one night, equals what a minimum wage earner makes for a year.

I mean, what is going on here? This is one of the things that many of us on this side are very troubled about. I was pleased to see that Time magazine is also getting troubled about it. Time magazine has an excellent article this week called "Newt, Inc." I hope everybody reads it, because it lays out many of the interesting ways the Speaker has been able to spread his tentacles out to control all these different ways of access to public information, shut off those who are not with him, find novel ways for people to be able to deduct it, and really march forward.

That does not look like the democracy I knew. The democracy I knew was one where everybody had an equal weighted voice and everybody's vote counted equally. I just do not see why we should be doing taxpayer subsidies of this type of occasion, and I do not see how in the world you can ever pretend that everybody's voice is going to be weighted equally, if you cannot get access to the TV stations that the taxpayers indirectly subsidize, nor can you buy the ticket to the dinner which

the taxpayers are indirectly subsidizing.

So I think we have to pose some very serious questions to the Internal Revenue Service, and we have to look at all these different stretchings of the law. There is absolutely no question what the spirit of the law is. I think that we should not be stretching the spirit, but instead we should be upholding the spirit of the law in this body.

#### INCREASE THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas [Mr. GENE GREEN] is recognized during morning business for 3 minutes.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the minimum wage was increased 4 years ago. However, the purchasing power of that same \$4.25 has declined 40 percent due to inflation. A recent study shows that in 1968 the minimum wage had a purchasing power in 1995 dollars of \$6.49. There are arguments on both sides of this issue but allowing working Americans to work for a living wage is the best method to reform welfare.

If a worker puts in 40 hours a week, 52 weeks a year, their gross wage is just over \$8,800. For an average family in the 29th Congressional District of Texas which I represent they will be over \$3,500 below the poverty line. Add the maximum earned income tax credit and that family will be \$400 under the poverty line and eligible for welfare under many programs.

However, this same family, with a minimum wage increase to \$5.15 and their maximum earned income tax credit, will now be above the poverty level and will no longer have to be on welfare. If the Members on the other side wish to save on welfare, and wish people to work, increase the minimum wage so full-time workers will not be eligible for welfare.

The myth that the minimum wage is only paid to teenagers does not fit with the fact that over half of the minimum wage earners are 26 or older. Congress must act and allow working Americans to earn a living wage.

My Republican colleagues talk about "me-too-ism" from the White House on Republican proposals. My Republican colleagues should develop me-too-ism on reducing welfare by paying an increase in the minimum wage—me-too-ism is bipartisanship working. Let us see it work for working Americans.

#### GIVE WORKING AMERICANS A BREAK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized during morning business for 2 minutes.

Mr. BONIOR. Mr. Speaker, let me see if I get this straight: First the Republicans said we cannot raise the minimum wage because it would cost jobs. Well, that argument did not fly. We know that from the studies that have been done recently between New Jersey and Pennsylvania and New York, where those establishments along the border that did raise the minimum wage actually found increased employment. That argument did not fly.

So next the Speaker said we cannot raise the minimum wage because of the crisis in Mexico, as if 58 cents an hour should be our benchmark. That our wages in this country should be tagged to those in Mexico. That did not fly.

So now the Senate majority leader says that the only way we can raise the minimum wage is if we cut taxes on the wealthy investors first. The Republicans say that the only way we can help people who earn \$9,000 a year is by cutting taxes on those who make \$9,000 a day.

Mr. Speaker, give me a break. If the Republicans want to help their wealthy friends, fine. But we are not going to let you do it on the backs of working families in this country. It is time we give working Americans a break, not just the wealthiest in our society.

I urge my colleagues to support the minimum wage, which is a just, living wage, which will move people to work, off welfare, and give them the wherewithal and the sustenance and a living wage to care for their families and to move up into the middle class, where they can hopefully enjoy a better future for themselves and their family.

#### RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 10 o'clock and 26 minutes a.m.) the House stood in recess until 11 a.m.

□ 1100

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

#### PRAYER

The Reverend Dr. Ronald Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, in this moment of stillness, before the work of this day begins, we first acknowledge our daily dependency upon Your grace and Your care.

We seek guidance when we could so easily be led of the course of justice for all,

We ask for wisdom when our decisions could so quickly be driven by selfish desires,

We plead for mercy when our petty jealousies have caused a wedge to be driven between ourselves and others,

And, we pray for courage when, with feeble heart, we might easily give in to goals that are less than the best for our neighbors.

Oh God, in these words and for these moments, let us all be reminded again of Your presence with us and our responsibility to You,

And may our words and actions this day serve more Your majestic will and purpose, than our fleeting wants and wishes. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. GUTIERREZ] lead the House in the Pledge of Allegiance?

Mr. GUTIERREZ led the Pledge of Allegiance as follows:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

#### REPUBLICAN CONTRACT WITH AMERICA

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Force Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We did all this on the first day.

It goes on to state that in the first 100 days, we will vote on the following items:

A balanced budget amendment—we have done this; unfunded mandates legislation—we have done this; line-item veto—we have done this.

Yet to be accomplished:

A new crime bill to stop violent criminals; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift Government's burden from middle-income Americans; national security restoration to protect our freedoms; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; commonsense legal reform to end frivolous lawsuits;

and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

#### PROPOSED SPECIAL FEES ON CARS AND PEDESTRIANS CROSSING UNITED STATES BORDERS

(Mr. LAFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, I can think of no proposal more objectionable to the people of western New York, no proposal more potentially harmful to the economy of western New York than the administration's budget proposal to initiate a \$3 special fee on any vehicle entering the United States from Canada or Mexico, and \$1.50 on any pedestrian coming into the United States.

Mr. Speaker, the whole purpose of the free-trade agreement between the United States and Canada was to facilitate the flow of people and products.

This runs contrary to that concept. The whole purpose of the free-trade agreement between the United States and Canada was to reduce and then eliminate all tariffs on products coming back and forth between our countries.

Now, the administration wants to impose a fee on people and their cars.

This cannot stand.

#### MY MISSION

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, 40 years ago, in College Station, TX—PHIL GRAMM country—I pinned on Air Force wings of silver. Forty years is a long time. When my dad was in his eighties, he said, "Son, your whole life will seem like 3 weeks when you get to my age."

I have reflected back over my life, and as awed and as humbled as I was by being elected to this great deliberative body in the bicentennial year, it was not the greatest event of my life. Those events are marriage, 5 children, 9 grandchildren. I proposed to my wife 40 years ago tomorrow night, after driving all night to get to California.

But the greatest event in my public life was these wings. Imagine serving with men, every one of them like JOHN GLENN, JOHN MCCAIN, PETE PETERSON, "DUKE" CUNNINGHAM, our own "Gunny Cooper," SAM JOHNSON. I owe it to those men to go into the melee next week and explore things in Iowa and New Hampshire and at least South Carolina. Only God knows the outcome. But I am ready for what may be the toughest mission of my life. I do not know how far I will go, but I am going to give it a try.

#### A HIGHER MINIMUM WAGE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, I know that to many Members of Congress, another 90 cents is nothing more than pocket change.

But to Americans making minimum wage it is not pocket change—it is real change.

A change from worrying about paying the rent, or food, or buying new shoes for their kids.

A change to a life with some economic security.

It amazes me that our opponents say "yes" to a book deal that is worth more than four and a quarter million, but "no" to anything over four and a quarter an hour for the people who will print, pack, ship, and sell that very book.

Well, I want to speak to everyone earning \$4.25 today. If your wage is not \$5.15 an hour when that book hits the shelves, I say, "don't buy it." Because I think our Speaker should read a book about the hopes and dreams of America's working families rather than the other way around.

So I say to our opponents—you defend your millions and we Democrats will defend ours. Your millions, of course, are the millions of dollars earned on a book, and our millions are the millions of Americans trying to earn a decent livable wage.

#### OLD SOLUTIONS TO NEW PROBLEMS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, as Republicans worked to pass an unfunded mandate reform bill last week, President Clinton worked to pass another unfunded mandate on our private sector.

Maybe I missed something, but I thought the election of last November was about change. So far this year, the only thing the Democrats have wanted to change is the subject.

From the balanced budget amendment to the line-item veto, the liberal Democrats have consistently supported the status quo. With the President's minimum wage proposal, they have reached back again to the past for an issue they hope will help them in the polls.

But the American people are no longer satisfied with old solutions to new problems. They do not want bigger government and bigger mandates. They want a more effective and more efficient federal Government.

I challenge the President to join Republicans in changing the way Government works. Let us work together to

ease the regulatory burden on our small business. We worked together to pass a line-item veto. Mr. Speaker, I urge the President to stop changing the subject and work with Republicans in changing the Government.

□ 1110

#### NAFTA, 1 YEAR LATER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, NAFTA, 1 year later. Thirty-six thousand Americans have filed claims with the Labor Department. They lost their jobs due to NAFTA. That is right, and the list goes on. Woolrich up in Pennsylvania and Colorado, they laid off 450 workers, moved to Mexico, hired workers at \$1 an hour. You have Magnatech in Indiana and Michigan. They moved to Mexico.

Tell me, Congress, how can American workers survive when American companies can move to Mexico, hire people at \$1 an hour, have no IRS or EPA or OSHA to pay them a visit? Is it any wonder the American worker is fed up with Congress? A Congress that will take care of Russia, but forget about Rhode Island? A Congress that will take care of Kuwait, but forget about Kentucky? A Congress that will worry about Mexico and forget about Mississippi and Massachusetts?

Is it any wonder, Congress? Think about the American worker for a change.

#### THE PRESIDENT'S BUDGET

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the President's budget is a microcosm of his entire administration: too little, too late.

Sure, he has some spending cuts. But those cuts are not enough to satisfy the American people, or get the job done.

He may have sprinkled in a few tax cuts, but they are far too late for the middle class.

Mr. Speaker, the President's budget may not be dead on arrival, but it is on a respirator.

Republicans will take up many of the President's cuts, while adding billions more. And we will look carefully at his other proposals. But clearly, the President has not gotten the message of the last election.

We need a fundamental change in the Federal Government, not just tinkering around the edges.

With his budget, the President has offered only a modified status quo. For many of us that simply is not good enough.

### THE \$50,000 TAX DEDUCTIBLE DINNER

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, the American people have a right to know—just who is coming to dinner tonight?

And what will they be getting in return for their \$50,000 tax deductible contribution to Empowerment TV?

This is the same tax exempt TV network that carries Speaker GINGRICH's college course.

The same tax deductible course that is the core of the Speaker's soon-to-be-very-profitable book deal.

Mr. Speaker, these interlocking networks of special interests—multi-million dollar think tanks and political action committees, many of them subsidized at taxpayer expense for personal or partisan political gain—is casting a long ethnical cloud over this House.

Is it any wonder that Public Citizen, Common Cause, and others have joined the chorus calling for an independent, nonpartisan investigation into the ethical charges surrounding the Speaker?

It is time for an outside counsel to untangle this web.

### THE PRESIDENT'S BUDGET

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is my hope that the more we delve into President Clinton's budget, the more we will find in it that we like and can support. As we heard already this morning, this budget will not be dead on arrival.

If the President has some good ideas that we can support while being consistent with our goal of smaller, less costly government, we will gladly incorporate some of his ideas into the budget.

But I have to say, Mr. Speaker, that upon initial examination the President's budget proposal is not very bold. In fact, it merely treads water.

Mr. Clinton constantly reminds us that he is the first President in memory to cut the deficit 3 years in a row. Well, that is a start, but it is not an end in itself. Under the President's own projections, the budget begins its upward path again next year.

We Republicans are committed to balancing the budget by the year 2002. If the President wants to help us, fine. But if he wants to remain wedded to the politics of the past, then we will act alone. However, one way or the other, rest assured, we will get the job done.

### A \$50,000 A PLATE FUNDRAISER

(Ms. DELAURO asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, tonight National Empowerment Television, the taxpayer-subsidized station which broadcasts Speaker GINGRICH's college course, is holding a \$50,000 a plate fundraiser. But it is the Speaker, not the filet mignon, that is the main course.

This lavish dinner speaks volumes about who Republicans represent. They are dining with the elite, at the same time Republicans are opposing a minimum wage increase for American workers. A full-time minimum wage worker would have to work 5¾ years to buy a seat at Mr. GINGRICH's table tonight.

Those lucky enough to have a spare fifty grand to buy a ticket for tonight's fundraiser will be rewarded with a nifty \$19,800 tax break. You see, National Empowerment Television operates as a nonprofit, even though it is the only TV station devoted solely to a particular political ideology. Like tonight's dinner, this is another example of the commingling of politics and special interests that has led to the calls for an outside counsel to look into and investigate Mr. GINGRICH's political and financial dealings.

### RESTORE THE RULE OF LAW TO SOCIETY

(Mr. MARTINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINI. Mr. Speaker, I rise today as a former Federal prosecutor to discuss a topic that this body will soon debate: crime reform.

Crime in this country has reached epidemic proportions. It is time we as a body get serious about restoring the rule of law to our society.

Alexander Bickel of Yale University once said:

No society will long remain open and attached to peaceable politics and the decent and controlled use of public force if fear for personal safety is the ordinary experience for large numbers.

Yet sadly, today 8 out of every 10 Americans can expect to be the victim of a violent crime at least once in their lives.

It is apparent that the debate over these crime bills embroils us in more than simply an exchange of competing partisan ideas.

The coming debates will engage us in a struggle that affects the very core and future of American society.

As the discussions begin, I urge my colleagues to take swift and strong action on behalf of the well-being and safety of a nation's people.

### APPOINTMENT OF OUTSIDE COUNSEL NEEDED

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the clouds of scandal once again are gathering above the House of Representatives. The Wall Street Journal has been running daily accounts of the special favors that the contributors of GOPAC and the contributors to the Progress and Freedom Foundation that are controlled by the Speaker have sought and received.

According to the Wall Street Journal, 10 percent of the contributors to the Progress and Freedom Foundation are makers of drugs and medical devices, whom we now learn are the same people who have sought special legislation and are now seeking to gut the Food and Drug Administration. What we as Members of the House are witnessing is very strong suggestion that the House of Representatives is somehow for sale.

This cannot be allowed to stand. We as Members deserve better, and the people of this Nation deserve better. It is imperative that the House Committee on Ethics and its chair, the gentlewoman from Connecticut, NANCY JOHNSON, move to appoint outside counsel. Given the ramifications of these stories and the fact that GOPAC and the Progress and Freedom Foundation are controlled by the Speaker, the committee has no other choice. It owes it to the people of this Nation to do so, and I urge my colleagues to call upon the gentlewoman from Connecticut [Mrs. JOHNSON] to appoint outside counsel.

### ANOTHER CONTRACT WITH AMERICA ITEM PASSES HOUSE

(Mr. KINGSTON asked and was given permission to address the House for 1 minutes and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, imagine going to the grocery store to buy your daily fruit, vegetables, and meat, and when you go through the counter the clerk reaches over and sticks some caviar in your grocery cart. And you say, "I don't want any caviar." And he says, "Tough, you want your meat and potatoes; you have to buy my caviar. And if get too sensitive, I am going to throw in some Twinkies."

Well, that is what the Congress has been doing to the American people and their President for too many years. But as of yesterday, with the passing of the line-item veto, we, the American people, can have our President stop it.

Item three on the Contract With America has now passed the House. Call your Senator, ask him or her to support the line-item veto, and then we can have that lean, green, grocery shopping machine that we all want. Cut out the fat, Mr. Speaker.

### FUNDRAISING FOR NATIONAL EMPOWERMENT TELEVISION

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, tonight the Speaker of the House is the special host of a dinner to benefit National Empowerment Television, a radical right-wing TV station devoted solely to espouse reactionary views over the airways 24 hours a day. It is appalling that there is a TV station designed not to be objective, but to brainwash, and to boot it is tax deductible.

Just as appalling is the price tag for the dinner, \$50,000 a plate.

What do you they serve at a \$50,000-a-plate dinner? First is access, a chance to rub elbows with the Speaker; second, and just as outrageous, a huge taxpayer subsidy. That is right. Unlike meals most working Americans eat, this one comes with a special \$19,800 tax break. About a dozen people are attending the dinner, for a total tax break of \$237,600, enough money for 21,000 meals-on-wheels for the elderly.

□ 1120

By the way, if you are working for the minimum wage, it will take you 5 years, 45 weeks, 4 days, 2 hours and 33 minutes to pay for this one dinner. I guess that dinner will be served in the year 2000 on December 22. The fundraiser is wrong. The price tag is way out of line. The TV station is bizarre and the taxpayer subsidy is a disgrace.

#### MINIMUM WAGE

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, in his State of the Union Address, President Clinton made the point that a Member of Congress earns more in a month that a minimum-wage worker earns in a year. Well, perhaps a more interesting statistic is the Federal Government spends more in less than 4 days than all the 3.5 million minimum-wage earners make in a full year. Yet in his new budget, the President proposes that we spend \$50 billion more next year than this year, \$50 billion we do not have.

While the President has taken some small, positive steps, it is clear he is not up to making the tough decisions on the budget. So we in Congress, yesterday, voted to give the President a new tool, the line-item veto. We would like to have the President as a partner, but we are prepared to go it alone in balancing the budget.

We are going to improve the lot of minimum-wage earners and middle-income Americans and the best way to do it is to get the Federal budget under control and grow the economy.

Our Contract With America will do precisely that by lowering taxes, reducing Federal regulation and Government spending and increasing incentives for work and investment. The results will be a balanced budget by the year 2002, the sooner, the better.

#### SPECIAL INTERESTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, to anyone who is wondering why Public Citizen, Common Cause, and almost every other good Government group I know and many others are calling for outside counsel to investigate the growing array of special interest connections that are alleged to be gathering at the Speaker's doorstep, watch tonight. Because tonight lifestyles of the rich and famous come to Washington.

Yes, for \$50,000 you can get a dinner. Well, the steak better be good. Yes, you can get a dinner, but you can also get access. And that dinner can be publicly subsidized because you as a taxpayer are going to pay \$19,800 for that dinner. So if you are outraged by that dinner, think about it. Especially on the very same day the Speaker is quoted in the Washington Post as saying public high school is nothing but publicly subsidized dating.

Please, what is wrong? Let us get on with an outside counsel and get this cleared up.

#### THE CRIME BILL

(Mr. WHITE asked and was given permission to address the House for 1 minute.)

Mr. WHITE. Mr. Speaker, I have looked forward to this moment for a long time. These are my first remarks on the floor of the House.

I have waited for this moment for an important reason. The crime bill that we are about to consider this week is one of the most important things that this Congress will do in the entire 2 years we are here.

I have said many times that the crime bill that passed last year was not an example of everything that is wrong with Congress. It was directed at an important national problem, but it did not solve that problem. It spread social spending out in every congressional district, a little bit of pork for every Congressman. It was the worst tradition of politics as usual.

This year we are going to be different. This year's bill focuses on what the Federal Government can do to solve the crime problem, including building more prisons, changing some of our procedural rules, and sending the responsibility back to the local governments to decide what to do.

Mr. Speaker, I am proud to be here. I am proud of this Congress. And I look forward to dealing with this crime bill over the next week.

#### THE MINIMUM WAGE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, the distance between low- and high-income families is growing. We must act now to close that gap. If we do not act, the cost of basic necessities—housing, food, and clothing—may be unaffordable for these families. Those costs are rising. Earnings for low-income families are falling. An increase in the minimum wage, as proposed by the President, will help to close the gap. With no minimum wage increase, those with little money end up with less money.

An increase in the minimum wage will not provide plenty, but it can raise working families out of poverty. In 1993, high-income families averaged \$104,616 in earnings. Low-income families averaged \$12,964. Between 1980 and 1992, income for the top 20 percent in America increased by 16 percent while income for the bottom 20 percent decreased by 7 percent. An increase in the minimum wage will help low-income families, but it will not hurt high-income families. The growing income gap hurts the economy. The best welfare reform is minimum wage reform. Low-income workers are helped. The economy is helped. No one is hurt. If we want to help people, we should help them and not hurt them.

#### PUT TEETH BACK IN THE CRIME BILL

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, when the Democrats passed their soft-on-crime bill last year, we were assured that it would be tough on criminals and attack crime's root causes. But once the American people learned what it was—dance classes and midnight basketball, what they called hugs for thugs—they issued a very different verdict at the polls. They said the Democrat crime bill was guilty of being pollyannaish, that it coddled criminals instead of incarcerating them, and they said, "We want our streets back. We want the criminal justice system to act as a deterrent. We believe that you have got to catch, convict, and confine. That is what criminal justice is all about."

When we take up the crime bill today, we are going to put some real teeth back into it and give our police and prosecutors the tools that they need to do their job effectively. We are going to stop frivolous appeals. We are going to end the practice of letting criminals off on technicalities and build more prisons to keep them off the streets.

Our Constitution demands that we ensure domestic tranquility, a duty that we have been failing at recently. That changes, starting today.

#### SUPPORT OUR AFFIRMATIVE ACTION LAWS

(Mr. STOKES asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, I rise to express my strong support for the affirmative action laws of the United States. Within the last two decades, affirmative action has been the primary tool that has allowed minority and women workers to break through the many barriers of employment discrimination.

Despite the steps our Nation has taken to move forward in the area of affirmative action, we are now faced with a new onslaught on civil rights, as evidenced by the recent statements of a Republican Senate leader. In a Washington Post article published yesterday, this Republican Senate leader is quoted as asserting that affirmative action has caused some Americans to "Have to pay" for discrimination practiced "before they were born." A congressional leader who opposes affirmative action should realize that jobs do not belong specifically to one race of people. Black Americans born in this country, also have a contract with America. That contract, by virtue of birth, is rooted in both the Constitution and the Declaration of Independence.

The truth of affirmative action programs is that they do not grant preferential treatment to selected Americans, but provide for a means of equal opportunity employment for all members of our society.

#### BIPARTISAN COOPERATION HELPS IN KEEPING PROMISES TO THE AMERICAN PEOPLE

(Ms. PRYCE asked and was given permission to address the House for 1 minute.)

Ms. PRYCE. Mr. Speaker, a few weeks ago in an historic and symbolic gesture the esteemed minority leader from Missouri passed the gavel onto the first Republican Speaker in 40 years announcing: "Let the great debate begin."

But a great debate there was not. For it seemed that when the Republicans wanted to change the way Congress works, the Democrats wanted to change the subject. When Republicans wanted to make Government leaner and less intrusive, Democrats seemed intent to use scare tactics and delaying maneuvers.

But Mr. Speaker, this past week or two were different and for the third time in about the same period, the American people won. Casting politics aside and placing the American people first, we together have now passed a balanced budget amendment, unfunded mandate reform, and a line-item veto.

Mr. Speaker, we are now on a roll. There is a renewed spirit of reform and fiscal restraint in this great body of the people. I look forward to even more bipartisan cooperation in our goal to keep our promises to the American people.

□ 1130

#### URGING CONGRESS TO PASS THE MODEST INCREASE IN THE MINIMUM WAGE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, our Republican friends support a tax cut for wealthy Americans earning more than \$200,000 a year, but they will not support a raise in the minimum wage for people who want to work and not collect welfare.

If we truly want to move people off public assistance, we must make work more attractive than welfare. We ought not be deceived by those who say the minimum wage is only being paid to teenagers from well-off families. Two-thirds of minimum wage workers are adults over the age of 21, many of whom bring home at least half their family's income.

Let us look at the choices faced by a single mother living at the poverty level. If she goes on welfare, she can get comprehensive health care and a monthly check from the government. If she goes to work at a minimum wage job, she earns only \$8,500 a year, and her family loses her health coverage. She must find a way to care for her children while she is at work. That is not much of a choice. Mark my words, Mr. Speaker, tossing people off welfare will not make these dilemmas magically disappear.

The minimum wage is an important piece of the effort to raise the living standards for all Americans. We started on the right path last year when we voted to expand the earned income tax credit. Let us raise the minimum wage.

#### COMPENSATION FOR VICTIMS OF CRIME SHOULD BE A BIPARTISAN CONCERN

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, today this House will begin debate on the Victim's Restitution Act of 1995.

While there may be honest points of disagreement in subsequent consideration of habeas corpus reform, restrictions on the exclusionary rule and the death penalty, there should be no difficulty in recognizing the absolute need within our justice system to compensate victims of crime for the horrors visited upon them by those who cannot abide by society's rules.

In my tenure as a county prosecutor, the most commonly heard complaint by victims of crime was that their voices and their rights were the only absent parties from the criminal justice equation.

The people are represented by the D.A.; the defendant had his high-priced or taxpayer-supported mouthpiece—but the victim, like the cheese in the chil-

dren's rhyme "The Farmer in the Dell"—stands alone.

And although financial recompense cannot replace the loss of personal security one suffers at the hands of the criminal, it is wholly appropriate that the wrongdoers pay in many ways for their inability to conform their behavior to socially acceptable standards.

It has become commonplace for the pendulum to swing back and forth between protection of society and protection of defendants' due process guarantees. Today it is time it swings toward victim's rights—and after today, the victims of crime will no longer stand alone.

#### CALLING FOR OUTSIDE COUNSEL TO HELP THE ETHICS COMMITTEE

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, on May 26, 1988, a Member of this House said: "I believe that honesty and accountability lie at the heart of self-government and freedom. Without integrity, our free institutions cannot survive." I could not agree more.

Mr. Speaker, on that same day, that same Member said: "Recently the weight of evidence has grown so large that Common Cause has called for an investigation." That Member was NEWT GINGRICH. While Speaker GINGRICH and I may not agree on much in the 104th Congress, I certainly agree with what he said then.

I join Common Cause in calling for an outside ethics adviser to help the Ethics Committee.

As Speaker GINGRICH said in 1988: "I think there is a different standard for being Speaker." I agree.

As the Speaker himself said, we need an outside counsel.

#### THE EXCLUSIONARY RULE REFORM ACT WILL HELP REDUCE CRIME

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. We have all heard stories about suspected criminals that have had their cases dropped due to illegal searches. I, like all Americans, believe strongly in the fourth amendment which bans unreasonable search and seizures. However, the number of dismissed cases is on the increase.

We have police officers risking their lives each and every day to put these criminals behind bars only to later have the criminals released on a technicality.

Under current law, judges must ignore evidence which was gathered illegally based on present interpretation, even when police thought they were acting legally. This must stop. We cannot allow criminals to control us.

The Exclusionary Rule Reform Act allows a good faith exception to be adopted. It ensures that violent criminals will not be released on a technicality if a search or seizure was conducted in good faith. People are tired and fed up with the justice system.

Let us give the people a sense of security and pass H.R. 666. The police desperately need this help in fighting crime. The American people are demanding help from elected officials in reducing crime.

#### HONOR THE BIRMINGHAM BLACK BARONS AND THE NEGRO BASEBALL LEAGUES

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, during segregation, blacks were excluded from organized baseball. To play baseball, black players and supporters organized the Negro Leagues. These leagues not only gave black players an opportunity to play, but they were an important part of the social life of the community.

The Birmingham Black Barons was one of the founding teams in the Negro Southern League. They often drew larger crowds than white teams which played in the same park. Their games often featured such promotions as dance contests, beauty pageants, and visiting celebrities like Lena Horne and Lionel Hampton. The Black Barons produced players such as Willie Mays and Satchel Paige, who later had prominent careers in organized baseball, when the barriers against black players were lowered.

The Birmingham Public Library is honoring players from the Birmingham Black Barons and other Negro League teams on Thursday night. At this time I would like to honor the following players: Mr. Pat Patterson, Mr. Willie Young, Mr. Eugene Williams, Mr. Norman Lumpkin, Mr. Verdell "Lefty" Mathis, Mr. Joe Scott, Mr. Sherwood "Chet" Brewer, Mr. Sammy Haynes, Mr. Frank King, Mr. James Zapp, Mr. James "Fireball" Bolden, Mr. Tommy Sampson, Mr. Cecil Witt, Mr. Ralph Johnson, Mr. Arthur Hamilton, Mr. John Kennedy, Mr. Anthony Lloyd, Mr. Johnnie Cowan, Mr. Bob Hayden, Mr. Carl Holden, Mr. James Norman, Mr. William Davis, Mr. Harold Hair, Mr. Willie Sims, Mr. Ralph Johnson, Mr. Louis Gillis, Mr. Carl Holden, Mr. Nathaniel Pollard, Mr. Joe B. Scott, Mr. Otha Bailey, Mr. Lyman Bostock, Mr. William "Cap" Brown, Mr. Lorenzo (Piper) Davis, Mr. Frank Evans, Rev. William Greason, Mr. Wiley Griggs, Mr. Raymond Haggins, Mr. Sam Hairston, Mr. Willie Harris, Mr. James "Sap" Evory, Mr. Willie Lee, Mr. Jesse Mitchell, Mr. John Mitchell, Mr. William Powell, Mr. Eugene Scruggs, Mr. Freddie Shepard, Mr. Willie Young, and Mr. Harry "Mooch" Barnes.

We are honoring only a few of the pioneers, but the others are not forgotten. Their contributions added immensely to the joys, pleasures and "good times" of a disenfranchised people at a difficult time in their lives. The work of each one of them shall be etched in the history of a people struggling to be free. This insertion into the CONGRESSIONAL RECORD ensures them that a record of their part in making America free, shall be preserved as long as this country exists.

May we play the game of life as honorably as they played the game of baseball.

#### KEVORKIAN (DEAD ON ARRIVAL) ACCOUNTING IN PRESIDENT CLINTON'S BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the Wall Street Journal's editorial page says it all, calling Clinton's budget Kevorkian accounting. It is dead on arrival.

Did the President's budget show leadership? I do not think so. Courageous? Not. Again, quoting the Wall Street Journal, "Mr. Clinton's budget is essentially a defense of the status quo."

Mr. Speaker, we were not elected to this great body to defend the status quo. We were elected to this great body to reform Congress, to get this Nation's financial house in order, and to make Government leaner and less intrusive.

We have made great progress, passing a balanced budget amendment, unfunded mandate reform, and just yesterday the line item veto. Despite our President, who has taken a walk with his budget presentation, we will make the tough choices which will lead to a balanced budget.

For the sake of our children and our children's children, we must not fail. We must show the courage and leadership to balance the budget.

#### CALLING FOR A TRUE OUTSIDE COUNSEL

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, what does the Speaker's dinner tonight, called Dining for Dollars, the minimum wage, and the outside counsel, have in common? It is a \$50,000-a-plate dinner on which there will be a \$19,000 tax break for everyone attending, which, incidentally, will pay the total wage for two minimum wage earners, the waiters, valets, car parkers, and so on, who will be waiting on those people, and incidentally, those wage earners will have trouble going to McDonald's to get the same tax break.

It all raises questions of access. I want to suggest a show for the new National Empowerment Network. Legal

shows are popular. This will focus on questions such as media tycoons who have matters before Federal agencies and book deals with high congressional officials.

It can focus on political action committees that will not release the contributors before January 1. It can probe all types of questions of access. However, Mr. Speaker, we ought to take this show for the outside counsel out of Congress and get it where it belongs, in the public and with a true outside counsel.

#### APPLAUDING EMPLOYEES OF THE KENNEDY SPACE CENTER ON A REMARKABLE SPACE SHUTTLE MISSION

(MR. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, right now, the shuttle *Discovery* is orbiting 170 miles above, on a remarkable mission.

This shuttle mission, commanded by James Wetherbee is a mission of firsts.

Yesterday we witnessed a historic event: the rendezvous with the Russian space station *Mir*.

The shuttle *Discovery* maneuvered within 44 feet of the Russian space station.

This was a major effort of two former enemies, with different languages, cultures, and technologies, working together in peaceful cooperation.

This cooperation gives us great hope for the continued success of the U.S.-led international space station.

□ 1140

On board the space shuttle is Eileen Collins, the first woman to pilot a space shuttle mission. She is joined by the second Russian cosmonaut to fly aboard a United States space shuttle, Vladimir Titov.

Mr. Speaker, I salute and applaud the employees of Kennedy Space Station as well as Johnson in support of this remarkable shuttle mission.

#### WHAT A DINNER

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, tonight the taxpayers are going to dinner with Speaker GINGRICH.

Tonight a dozen high rollers will sit down to dine with the Speaker and hand over \$50,000 checks for his radical right wing television station. In the process, each attendee will get a tax write-off of almost \$20,000. That is almost \$240,000 of our tax dollars going to support the radical right wing agenda.

This is the same Speaker who refuses to release the names of the contributors to his personal political machine GOPAC. The same Speaker who, according to the Atlanta Constitution,

accepted almost \$715,000 from one couple for GOPAC and hundreds of thousands of dollars from other individuals.

A television station, a political organization, a foundation, even a \$4.5 million book deal. It is amazing Speaker GINGRICH has any time at all to be Speaker of the House.

Too many ethical questions have been raised about this Speaker. We need an outside counsel to clear the air, to find the truth, and we need one now.

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#### PRESERVE THE CONSTITUTIONAL ROLE OF THE HOUSE FOR EXPENDITURES OF PUBLIC MONEY

(Mr. ROHRBACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRBACHER. Mr. Speaker, the American people and the Congress oppose the Mexican bailout, yet some power brokers in New York and in the executive branch seem to think they own the U.S. Government, and they have decided that the taxpayers are going to bail out Mexico anyway.

Using our own exchange stabilization funds to rescue Mexico from default is the equivalent of selling our own car insurance so that we can pay for the insurance of an irresponsible neighbor who cannot get insurance of his own because his driving record is so bad, and this arrangement may work as long as we do not have an accident.

In this situation, our greatest chance of an accident is being hit by our irresponsible neighbor.

This bailout for Wall Street and the elite in Mexico is putting our people at risk. What happens then to our own currency if there is an emergency and our stabilization fund is empty?

It is a travesty and a crime against our own people to do this. The administration must be held accountable to the Congress and the American people.

Please, support, I ask my colleagues, support the Kaptur-Taylor privileged resolution to stop this crime.

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#### GINGRICH AFFAIRS REQUIRE OUTSIDE COUNSEL

(Mr. BRYANT of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, the \$57,000-per-seat private dinner whereby the Speaker of the House is raising money for his new right-wing television network is the latest in a long series of questionable activities that require the investigation by an outside counsel.

Most Members of Congress, like the American people, are inclined to take their colleagues and fellow Americans at their word, but on the questions about whether the activities of a high public official are appropriate, ethical or legal become as pervasive as those raised about the complicated affairs of

House Speaker NEWT GINGRICH, an independent review by an outside counsel is essential. It is in the Speaker's interest as well as the House's interest and the American people's to see to it that allegations against him of conflict of interest and inappropriate behavior are settled.

The person that holds the office third in line to the Presidency should be above reproach, and serious allegations about the activities of the Speaker of the House demand swift, deliberate, nonpartisan, and above all, independent investigation by an outside counsel.

Mr. Speaker, it is time for an outside counsel.

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#### THE MEXICAN BAILOUT: VOTE FOR THE RIGHT TO KNOW

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today the House will vote on House Resolution 57, a privileged resolution to assert Congress' constitutional duty to vote on the expenditure of our taxpayer dollars regarding the recent Mexico rescue package. The resolution will require the Comptroller General to perform an audit of the Mexican rescue package and report back to the Congress within 7 days.

One man in the White House, one Speaker and three other men here in Congress do not a republic make.

We ask the Speaker to grant our privileged resolution the right of full debate.

Authorizing billions of dollars without a vote of this Congress is wrong. Vote for your right to know. Vote for our people's right to know, vote for our taxpayers' right to know, vote for House Resolution 57, and vote "no" on any motions to table this bill.

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#### SUPPORT AN INCREASE IN THE MINIMUM WAGE

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, on November 1, 1989, 135 Republicans voted with the Democrats in passing a 90-cent increase in the minimum wage. The vote of this body was 382 to 37.

On that day, Democrats and Republicans joined together in raising the standard of living for nearly 5 million American workers. On that day our former Republican colleague, Tom Ridge, now the Governor of Pennsylvania, spoke very eloquently when he said, "Republicans and Democrats today must make a joint statement that we, as elective Representatives, appreciate the contribution that these working men and women are making to our country, and once we peel away the political debate," Governor Ridge said, "what Republicans and Democrats should join together in saying is that

there is considerable value to their work."

Governor Ridge had it right, Mr. Speaker. This proposal that we have before us now, another 90-cent increase, is a modest increase that working people need and deserve. It is a tribute to their labor.

An increase in the minimum wage will primarily benefit adult workers, many of whom rely on their minimum wage to support their households.

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#### REPUBLICAN MAJORITY IS PRODUCING REAL RESULTS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, one more contract item down. Yesterday, we passed the line-item veto, and it joins the ranks with congressional reform, unfunded mandate reform, and a balanced budget amendment as those items in the Contract With America that we have passed. We are keeping our promises with the American people to bring real change to Congress.

Now we will move on to a real crime bill that seriously deals with violent criminals after that, we will continue to work on welfare reform, legal reform, tax cuts for middle-income Americans, term limits, and national security legislation.

Mr. Speaker, we committed to completing our Contract With America agenda within the 100-day timeframe. We are restoring credibility to this institution by keeping our promises with the American people. The Republican majority is producing real results.

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#### MAJORITY OF AMERICANS SUPPORT AN INCREASE IN THE MINIMUM WAGE

(Mr. FATTAH asked and was given permission to address the House for 1 minute.)

Mr. FATTAH. Mr. Speaker, I come today just to take this 1 minute to talk to my fellow colleagues here in the Congress and to all those who listen out in the heartland of our Nation about the desire now among many of our leaders to raise the minimum wage.

The President of the United States and many Members of this Congress and the vast majority of Americans want to see the minimum wage increased. Now we have heard from the majority that they passed a balanced budget amendment because the majority of the people in our country want that to be passed, and the line-item veto and on and on and on about how this is the people's House, and they are doing what the people want done.

Well, the vast overwhelming majority of Americans have now made it known that they would like to see the minimum wage raised, and so that you do not appear to be contradicting yourself, I would ask that the majority join

with us as we seek a small 90-cent increase over 2 years for the minimum wage for millions of Americans who deserve to have their work rewarded.

#### \$4.25 AN HOUR IS NOT A LIVING WAGE

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, there is an ever-growing empire lurking on Capitol Hill called Newt, Inc.

While Big Bird, school lunches, and the handicapped face savage cuts this year, that new empowerment television will host an obscene \$50,000-a-plate tax deductible dinner this evening. While the rich and powerful escape paying taxes, this new empowerment television will propagandize to the poor and working people of this country that \$4.25 is more than enough on which to live.

□ 1150

Moreover, with in-kind GOPAC contributions, a questionable book deal, and the phenomenal group of Newt, Inc., an outside counsel is required.

Mr. Speaker, there is something rotten in Washington, DC, and, "It ain't the cookie monster."

#### A VOTE TO CARRY OUT OUR CONSTITUTIONAL RESPONSIBILITIES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, Members who do not want to be treated like mushrooms will come to the floor now to speak and vote in favor of House Resolution 57.

This is a critical question: What are the terms, the amounts, the conditions and, more to point, the constitutional authority to extend unlimited full faith and credit of the United States Treasury—that is, the funds of the taxpayers of this country—to a foreign power, Mexico? Do the elected Representatives of the people have a right to disclosure?

A vote for this resolution is a vote to carry out our constitutional responsibilities, our fiduciary responsibilities as caretakers of the public purse; a vote "no" is a vote to be treated like a mushroom kept in the dark and fed unsavory substances.

#### MORE THOUGHTS ON THE BAILOUT OF MEXICO

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, all over this country, working people and elderly people and those people who do not have a lot of money are wondering about what is going on in Washington with regard to the bailout of Mexico.

We have always been told that if people want to invest their money, especially making risky investments, sometimes you win but sometimes you lose.

Investors in Mexico over the last several years have received very high rates of return on their investment, and that is fine. But recently some of those investments have turned sour. It seems to me and, I believe, a majority of the Members of this House that the U.S. Congress and the taxpayers and the President and the Republican leadership should not be bailing out those investments.

Members of Congress demand the right to vote, to debate, to discuss, to learn about the bailout of Mexico. The gentleman from Mississippi [Mr. TAYLOR] will soon be introducing a privileged motion to begin that process.

I would urge our colleagues to support that motion.

#### CONGRESS SHOULD BE INVOLVED IN THE MEXICAN BAILOUT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I find myself at least in partial agreement with my Democrat colleagues. The stabilization fund that is being used by the President to help with the loan guarantee for Mexico is not for that purpose. That stabilization fund is to be used to stabilize and guarantee the value of the dollar, and I cannot fathom how using those funds to buy Mexican pesos, for instance, is going to stabilize the dollar when the peso is going straight down the toilet.

I would like to say to my colleagues that I think the Congress should be involved in this process, and I support their efforts to try to make sure that we are. When we are talking about \$40 or \$50 billion of American taxpayer dollars, the Congress should be involved, not just the President.

This is not a dictatorship. Unilateral action by the White House should not be tolerated.

#### INTRODUCTION OF HOUSE RESOLUTION 57

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to use this 1-minute to inform my colleagues that within a matter of minutes this House will be given the privilege that the President of the United States did not give us; and that is, to decide for ourselves whether or not we thought the Mexican bailout was a good idea.

The privileged motion that will be before the House in just a few minutes is to require the comptroller general to tell us if the law was obeyed when the President used \$20 billion from the stabilization fund to bail out Mexico. It

will further give us a report of all the transactions for the past 24 months so that we can have some sort of an idea if this is being done on a daily basis, has become a regular thing, or something of a one-time thing.

Getting to what the gentleman from Indiana [Mr. BURTON] said, there is a reason for getting this information. First, we have to isolate the problem so that later in this session we can offer a solution. And the solution to that should be that this fund, like every other fund in the budget, has to be appropriated.

Members of Congress have to know how much is in it, what are our risks, and there ought to be an up or down vote by this body as to whether or not this should exist.

First of all, we need the information to show the American people that the purpose of this fund has been abused.

#### ENSURING EXECUTIVE BRANCH ACCOUNTABILITY TO THE HOUSE IN EXPENDITURE OF PUBLIC MONEY

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a privileged resolution (H. Res. 57) to preserve the constitutional role of the House of Representatives to provide for the expenditure of public money and ensure that the executive branch of the U.S. Government remains accountable to the House of Representatives for each expenditure of public money, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 57

Whereas rule IX of the Rules of the House of Representatives provides that questions of privilege shall arise whenever the rights of the House collectively are affected;

Whereas, under the precedents, customs, and traditions of the House pursuant to rule IX, a question of privilege has arisen in cases involving the constitutional prerogatives of the House;

Whereas section 8 of Article I of the Constitution vests in Congress the power to "coin money, regulate the value thereof, and of foreign coins";

Whereas section 9 of Article I of the Constitution provides that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law";

Whereas the President has recently sought the enactment of legislation to authorize the President to undertake efforts to support economic stability in Mexico and strengthen the Mexican peso;

Whereas the President announced on January 31, 1995, that actions are being taken to achieve the same result without the enactment of legislation by the Congress;

Whereas the obligation or expenditure of funds by the President without consideration by the House of Representatives of legislation to make appropriated funds available for obligation or expenditure in the manner proposed by the President raises grave questions concerning the prerogatives of the House and the integrity of the proceedings of the House;

Whereas the exchange stabilization fund was created by statute to stabilize the exchange value of the dollar and is also required by statute to be used in accordance

with the obligations of the United States under the Articles of Agreement of the International Monetary Fund; and

Whereas the commitment of \$20,000,000,000 of the resources of the exchange stabilization fund to Mexico by the President without congressional approval may jeopardize the ability of the fund to fulfill its statutory purposes: Now, therefore, be it

*Resolved*, That the Comptroller General of the United States shall prepare and transmit, within 7 days after the adoption of this resolution, a report to the House of Representatives containing the following:

(1) The opinion of the Comptroller General on whether any of the proposed actions of the President, as announced on January 31, 1995, to strengthen the Mexican peso and support economic stability in Mexico requires congressional authorization or appropriation.

(2) A detailed evaluation of the terms and conditions of the commitments and agreements entered into by the President, or any officer or employee of the United States acting on behalf of the President, in connection with providing such support, including the terms which provide for collateral or other methods of assuring repayment of any outlays by the United States.

(3) An analysis of the resources which the International Monetary Fund has agreed to make available to strengthen the Mexican peso and support economic stability in Mexico, including—

(A) an identification of the percentage of such resources which are attributable to capital contributions by the United States to such Fund; and

(B) an analysis of the extent to which the Fund's participation in such efforts will likely require additional contributions by member states, including the United States, to the Fund in the future.

(4) An evaluation of the role played by the Bank for International Settlements in international efforts to strengthen the Mexican peso and support economic stability in Mexico and the extent of the financial exposure of the United States, including the Board of Governors of the Federal Reserve System, with respect to the Bank's activities.

(5) A detailed analysis of the relationships between the Bank for International Settlements and the Board of Governors of the Federal Reserve System and between the Bank and the Secretary of the Treasury, and the extent to which such relationships involve a financial commitment to the Bank or other members of the Bank, on the part of the United States, of public money or any other financial resources under the control of the Board of Governors of the Federal Reserve System.

(6) An accounting of fund flows, during the 24 months preceding the date of the adoption of this resolution, through the exchange stabilization fund established under section 5302 of title 31, United States Code, the manner in which amounts in the fund have been used domestically and internationally, and the extent to which the use of such amounts to strengthen the Mexican peso and support economic stability in Mexico represents a departure from the manner in which amounts in the fund have previously been used, including conventional uses such as short-term currency swaps to defend the dollar as compared to intermediate- and long-term loans and loan guarantees to foreign countries.

□ 1200

The SPEAKER. Does the gentleman from Mississippi [Mr. TAYLOR] wish to be heard briefly on whether the resolution constitutes a question of privilege?

Mr. TAYLOR of Mississippi. Yes, Mr. Speaker.

Mr. Speaker, in the past few days a dozen Members of Congress, ranking from people on the ideological right, like the gentleman from Kentucky [Mr. BUNNING] and the gentleman from California [Mr. HUNTER], all the way to people on the ideological left, like the gentleman from Vermont [Mr. SANDERS], have asked the question of whether or not the role of Congress has been shortchanged in the decision by the President to use this fund to guarantee the loans to Mexico.

We have come to the conclusion that it is privileged under the Rules of the House of Representatives, under rule IX, Questions of Privilege. It states, "Questions of privilege shall be first those affecting the House collectively." Obviously, the fact that every Member of this body was denied a vote on the matter is a matter of the House collectively.

Furthermore, in section 664 of rule IX, entitled "General Principles," as to the precedent of questions of privilege, it states that "As the business of the House began to increase, it was found necessary to give certain important matters a precedent by rule. Such matters were called privileged questions." Section 664 goes on and says, "Certain matters of business arising under the Constitution mandatory in nature have been held to have a privilege which superseded the rules establishing the order of business."

One provision of our Nation's Constitution that is most clearly mandatory in nature is article I, section 9, clause 7. It states, "No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

Mr. Speaker, this Congress cannot stand idly by and avoid our constitutional duty, a duty mandatory in nature.

I request that the Chair rule immediately on this resolution, and in making that ruling abide by section 664 of rule IX, General Principles, as to precedents of question and privilege.

Once again, it states that "Certain matters of business arising under the provisions of the Constitution mandatory in nature have been held to have a privilege which has superseded the rules establishing the order of business."

Obviously, 31 U.S.C. 5302 is unconstitutional because it allows the executive branch to exercise powers exclusively given to the Congress in the Constitution. Therefore, it is a matter which directly affects a provision of the Constitution mandatory in nature. This resolution is therefore a privileged resolution as defined by rule IX of the House of Representatives.

Mr. Speaker, since there were a dozen cosponsors of this resolution, each of us with an equal input, I would like the

Chair to oblige those other Members who would like to speak on the matter.

The SPEAKER. The Chair is willing to hear other Members. The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Mrs. KAPTUR. Mr. Speaker, I rise as an original sponsor of this legislation and in full support of our bipartisan efforts to get a vote on this very serious matter. Our resolution is very straightforward in attempting to reassert our rightful authority under the Constitution of the United States.

Our resolution simply requires that the Comptroller General report back to the Congress within 7 days, particularly with regard to a detailed evaluation of the terms and conditions of the commitments and agreements entered into by the President or any officer or employee of the United States acting on behalf of the President.

This is not an insignificant amount of money. From our study of this particular section of the law that the President claims he used in presenting this particular arrangement for Mexico, never, never in the history of the United States has that fund been used to such a large extent, over \$20 billion, and it appears to be growing as the days go on, and never for this particular purpose.

As one looks down the road at the conditions in Mexico and the fact that inflation is out of control—

The SPEAKER. If the Chair may interrupt, the Chair is recognizing the gentlewoman from Ohio for the purpose of explaining why the resolution is privileged, not for the purpose of explaining its merits. The only question at stake at the moment is whether or not this meets the test of being privileged.

Ms. KAPTUR. Mr. Speaker, let me say, is it the Chair's understanding that when any matter comes before the House for a vote, each Member's vote has equal value in standing? On any vote we might take?

The SPEAKER. The Chair will rule presently on the resolution under rule IX. The Chair at the moment is simply as a courtesy recognizing Members to explain why they believe it is a matter of privilege. The Chair will then rule on this resolution fitting into the rules of the House.

Ms. KAPTUR. We believe that this is a question of privilege of the House because of the constitutional role of the House of Representatives to provide for the expenditure of public money and ensure that the executive branch of the U.S. Government remains accountable to the House for each such expenditure of public money.

The gentleman from Mississippi [Mr. TAYLOR] referenced the section of the Constitution, article I, section 9. Let me reference article I, section 8 of our Constitution to coin money, regulate the value thereof, and of foreign coins.

We believe this is a matter that involves every single Member of the House of Representatives.

The SPEAKER. The Chair recognizes the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, it states, "Questions of privilege shall arise whenever the rights of the House collectively are affected," and, further to the point, "No money shall be drawn from the Treasury but in consequence of appropriations made by law."

The issue is whether or not the authority previously extended by the House in a 1933 statute has been exceeded, and if it has been exceeded, then certainly the House is collectively affected, and most certainly we see a violation of section 9, article I of the Constitution.

Further, as the Speaker knows, appropriations are to originate in the House. In this instance we are dealing with large sums of money to be drawn on the U.S. Treasury which have not been appropriated by this House. So we feel that it is essential that the House assert its prerogative.

To tell the truth, Mr. Speaker, I do not believe we can come to a final and dispositive determination whether or not there is a violation of the constitutional prerogatives of the House unless we have these questions answered, and unless the resolution goes forward they will not be answered.

The SPEAKER. The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, you and I or the President of the United States and I may disagree with the wisdom of the Mexican bailout, but I think very clearly the American people are wondering about what is happening to our Constitution and to the ability of Members of Congress to represent them.

Mr. Speaker, every single day Members come up here and they question this appropriation, whether this \$50,000 is well spent, whether this \$200 million is well spent. It seems to me that the people of Vermont and the people all across this country are wondering about the Constitution when we are talking about putting at risk \$40 billion of taxpayers' money without serious discussion and debate on the floor of the House.

It seems to me what the Constitution is about is that if the Members of the House and if the Members of the Senate want to approve this \$40 billion bailout, OK. But it is incomprehensible, and it seems to me unconstitutional, that that bailout can take place without debate, without discussions, and without a vote.

So, Mr. Speaker, I very much support this privileged resolution, and hope that the Members will vote for it.

The SPEAKER. Having heard now from five Members, the Chair is prepared to rule on this. The Chair would first of all point out that the question before the House right now is not a

matter of the wisdom of assistance to Mexico, nor is the question before the House right now a question of whether or not the Congress should act, nor is what is before the House a question of whether or not this would be an appropriate topic for committee hearings, for legislative markup, and bills to be reported.

What is before the House at the moment is a very narrow question of whether or not the resolution offered by the gentleman from Mississippi [Mr. TAYLOR] is a question of privilege. On that the Chair is prepared to rule.

The privileges of the House have been held to include questions relating to the constitutional prerogatives of the House with respect to revenue legislation, clause 1, section 1, article I of the Constitution, with respect to impeachment and matters incidental, and with respect to matters relating to the return of a bill to the House under a Presidential veto.

Questions of the privileges of the House must meet the standards of rule IX. Those standards address privileges of the House as a House, not those of Congress as a legislative branch.

□ 1210

As to whether a question of the privileges of the House may be raised simply by invoking one of the legislative powers enumerated in section 8 of article I of the Constitution or the general legislative "power of the purse" in the seventh original clause of section 9 of that article, the Chair finds helpful guidance in the landmark precedent of May 6, 1921, which is recorded in Cannon's Precedents at volume 6, section 48. On that occasion, the Speaker was required to decide whether a resolution purportedly submitted in compliance with a mandatory provision of the Constitution, section 2 of the 14th amendment, relating to apportionment, constituted a question of the privileges of the House.

Speaker Gillett held that the resolution did not involve a question of privilege. His rationale bears quoting. And I quote.

This whole question of a constitutional privilege being superior to the rules of the House is a subject which the Chair has for many years considered and thought unreasonable. It seems to the Chair that where the Constitution orders the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses.

If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that mandate, but it is still a question for the House how and when and under what procedure it shall be done. And a constitutional question, like any other, ought to be decided according to the rules that the House has adopted. But there have been a few constitutional questions, very few, which have been held by a series of

decisions to be of themselves questions of privilege above the rules of the House. There is the question of the President's veto.

Another subject which has been given constitutional privilege is impeachment. It has been held that when a Member rises in his place and impeaches an officer of the government, he can claim a constitutional privilege which allows him at any time to push aside the other privileged business of the House.

Later in the same rule, Speaker Gillett made this observation, again I quote:

But this Rule IX was obviously adopted for the purpose of hindering the extension of constitutional or other privilege. If the question of the census and the question of apportionment were new questions, the Chair would rule that they were not questions of constitutional privilege, because, while of course it is necessary to obey the mandate of the Constitution and take a census every ten years and then make an apportionment, yet there is no reason why it should be done today instead of tomorrow. It seems to the Chair that no one Member ought to have the right to determine when it should come in in preference to the regular rules of the House but that the rules of the House or the majority of the House should decide it. But these questions have been decided to be privileged by a series of decisions, and the Chair recognizes the importance of following precedence in obeying a well-established rule, even if it is unreasonable, that this may be a government of laws and not of men.

The House Rules and Manual notes that under an earlier practice of the House, certain measures responding to mandatory provisions of the Constitution were held privileged and allowed to supersede the rules establishing the order of business. Examples included the census and apportionment measures mentioned by Speaker Gillett. But under later decisions, exemplified by Speaker Gillett's in 1921, matters that have no other basis in the Constitution or in the rules on which to qualify as questions of the privileges of the House have been held not to constitute the same. The effect of those decisions has been to require that all questions of privilege qualify within the meaning of Rule IX.

The ordinary rights and functions of the House under the Constitution are exercised in accordance with the rules of the House, without necessarily being accorded precedence as questions of the privileges of the House.

Consistent with the principles enunciated by Speaker Gillett, the House considered in 1941 the joint resolutions to declare war on Japan, Germany and Italy by way of motions to suspend the rules. On July 10, 1991, again in consonance with these principles, the House adopted a special order of business reported from the Committee on Rules to enable its consideration of a concurrent resolution on the need for congressional authorization for military action, a concurrent resolution on a proposed policy to reverse Iraq's occupation of Kuwait, and a joint resolution authorizing military action against Iraq pursuant to a United Nations Security Council Resolution.

Finally, the Chair observes that in 1973, the House and the Senate, again

consistent with Speaker Gillett's rationale, chose to exercise their respective constitutional powers to make their own rules by including in the War Powers Resolution provisions according privilege to specified legislative measures relating to the commitment of U.S. Armed Forces to hostilities. It must be noted the procedures exist under the rules of the House that enable the House to request or compel the executive branch to furnish such information as it may require.

The Chair will continue today to adhere to the same principles enunciated by Speaker Gillett. The Chair holds that neither the enumeration in the fifth clause of section 8 of article I of the Constitution of Congressional Powers "to coin money, regulate the value thereof, and of foreign coins," nor the prohibition in the seventh original clause of section 9 of that article of any withdrawal from the Treasury except by enactment of an appropriation, renders a measure purporting to exercise or limit the exercise of those powers a question of the privileges of the House.

The resolution offered by the gentleman from Mississippi recites the enumerated powers of Congress relating to the regulation of currency and the general legislative "power of the purse," and resolves that the Comptroller General conduct a multifaceted evaluation of recent actions taken by the President to use the Economic Stabilization Fund in support of the currency of Mexico and to report thereon to the House.

It bears repeating that questions of privileges of the House are governed by rule IX and that rule IX is not concerned with the privileges of the Congress, as a legislative branch, but only with the privileges of the House, as a House.

The Chair holds that the resolution offered by the gentleman from Mississippi does not affect "the rights of the House collectively, its safety, dignity, or the integrity of its proceedings" within the meaning of clause 1 of rule IX. Although it may address the aspect of legislative power under the Constitution, it does not involve a constitutional privilege of the House. Were the Chair to rule otherwise, then any alleged infringement by the executive branch, even, for example, through the regulatory process, on a legislative power conferred on Congress by the Constitution would give rise to a question of the privileges of the House. In the words of Speaker Gillett, "no one Member ought to have the right to determine when it should come in in preference to the regular rules of the House."

#### PARLIAMENTARY INQUIRIES

Mr. TRAFICANT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The chair has ruled that this is not a privileged resolution.

Mr. TRAFICANT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRAFICANT. Mr. Speaker, I would ask that there be a reconsideration on the ruling of the Chair, because I believe that the precedents so cited do not apply. This is not, in the opinion of the drafters, simply to be an infringement by the executive branch.

The SPEAKER. The gentleman's parliamentary inquiry is moot. The Chair has, in fact, ruled that this resolution, as drafted, does not meet the procedures required for being a question of privilege and that is based upon very thorough study by the Parliamentarian of the precedents of the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, since the Speaker has gone to great pains to research the precedents of the House, I would like to point out to the Speaker that in the past whether or not the ceiling tiles were properly affixed to the ceiling of this Chamber has been ruled as a privileged resolution.

The SPEAKER. The Chair would respond to the gentleman from Mississippi, that relates directly to the safety of the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would also like to point out that the original custom of this body was to present any question of a privilege of the House to the Members and let the Members decide whether they felt it was a privilege of the House that was being violated. Is the Speaker willing to grant the Members of this House that same privilege?

The SPEAKER. The Chair would simply note that the Chair is following precedent as has been established over the last 70 years and that that precedent seems to be more than adequate. And in that context, the Chair has ruled this does not meet the test for a question of privilege.

Mr. TAYLOR of Mississippi. Mr. Speaker, a further parliamentary inquiry: What is the procedure for—

The SPEAKER. The only appropriate procedure, if the gentleman feels that the precedents are wrong, would be to appeal the ruling of the Chair and allow the House to decide whether or not to set a new precedent by overruling the Speaker.

□ 1220

Mr. TAYLOR of Mississippi. Mr. Speaker, I appeal the ruling of the Chair, and I would like Members of Congress to be granted the 1 hour that the House rules allow for to speak on this matter.

PREFERENTIAL MOTION OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. ARMEY moves to lay on the table the appeal of the ruling of the Chair.

#### PARLIAMENTARY INQUIRY

Ms. KAPTUR. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentlewoman will state the parliamentary inquiry.

Ms. KAPTUR. Mr. Speaker, am I correct in understanding that the motion to table this appeal is not debatable?

The SPEAKER. The gentlewoman is correct.

Ms. KAPTUR. And thus, Mr. Speaker, Members of Congress will be deprived by this vote without any type of a debate on the authority vested in our constitutional rights to vote on this issue?

The SPEAKER. The Chair would say to the gentlewoman that the motion is not debatable.

The question is on the preferential motion offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. TAYLOR of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This vote will be 17 minutes total.

The vote was taken by electronic device, and there were—yeas 288, nays 143, not voting 3, as follows:

[Roll No. 96]

YEAS—288

Allard	Chrysler	Franks (CT)
Archer	Clinger	Franks (NJ)
Armev	Coburn	Frelinghuysen
Bachus	Coleman	Frisa
Baker (CA)	Collins (GA)	Funderburk
Baker (LA)	Combust	Gallegly
Baldacci	Cooley	Ganske
Ballenger	Cox	Gejdenson
Barr	Crane	Gekas
Barrett (NE)	Crapo	Gephardt
Bartlett	Cremeans	Geren
Barton	Cubin	Gilchrest
Bass	Cunningham	Gillmor
Bateman	Davis	Gilman
Becerra	de la Garza	Goodlatte
Beilenson	DeLauro	Goodling
Bentsen	DeLay	Goss
Bereuter	Diaz-Balart	Graham
Berman	Dickey	Green
Bilirakis	Dicks	Greenwood
Bliley	Dixon	Gunderson
Blute	Doggett	Gutierrez
Boehlert	Dooley	Gutknecht
Boehner	Doolittle	Hamilton
Bonilla	Dreier	Hancock
Bonior	Dunn	Hansen
Bono	Edwards	Hastert
Boucher	Ehlers	Hastings (WA)
Brownback	Ehrlich	Hayworth
Bryant (TN)	Emerson	Hefley
Bunn	Ensign	Heineman
Bunning	Everett	Herger
Burr	Ewing	Hilleary
Burton	Fawell	Hobson
Buyer	Fazio	Hoekstra
Callahan	Fields (TX)	Hoke
Calvert	Flake	Horn
Camp	Flanagan	Hostettler
Canady	Foglietta	Houghton
Cardin	Foley	Hutchinson
Castle	Forbes	Hyde
Chabot	Ford	Inglis
Chambliss	Fowler	Jackson-Lee
Chenoweth	Fox	Jefferson
Christensen	Frank (MA)	Johnson (CT)

Johnson, Sam	Molinari	Serrano
Johnston	Moorhead	Shadegg
Jones	Moran	Shaw
Kasich	Morella	Shays
Kelly	Myrick	Shuster
Kennedy (MA)	Neal	Skaggs
Kennelly	Nethercutt	Skeen
Kim	Neumann	Skelton
King	Ney	Smith (MI)
Kingston	Norwood	Smith (NJ)
Knollenberg	Nussle	Smith (TX)
Kolbe	Olver	Smith (WA)
LaFalce	Ortiz	Solomon
LaHood	Oxley	Souder
Latham	Packard	Spence
LaTourette	Pastor	Stenholm
Laughlin	Paxon	Stockman
Lazio	Payne (VA)	Studds
Leach	Pelosi	Stump
Levin	Petri	Talent
Lewis (CA)	Pickett	Tate
Lewis (GA)	Pombo	Tejeda
Lewis (KY)	Porter	Thomas
Lightfoot	Portman	Thornberry
Linder	Pryce	Thornton
Livingston	Quillen	Tiahrt
LoBiondo	Quinn	Torkildsen
Longley	Radanovich	Torres
Lucas	Ramstad	Torricelli
Maloney	Regula	Upton
Manton	Reynolds	Vento
Manzullo	Richardson	Volkmer
Markey	Riggs	Vucanovich
Martini	Roberts	Waldholtz
Matsui	Rogers	Walker
McCarthy	Ros-Lehtinen	Walsh
McCollum	Roth	Wamp
McCrery	Roukema	Ward
McDade	Roybal-Allard	Waters
McHugh	Royce	Watts (OK)
McInnis	Rush	Waxman
McIntosh	Salmon	Weldon (FL)
McKeon	Sanford	Weller
Meehan	Sawyer	White
Metcalf	Saxton	Wicker
Meyers	Scarborough	Williams
Mfume	Schaefer	Wolf
Mica	Schiff	Young (AK)
Miller (FL)	Schumer	Young (FL)
Mineta	Seastrand	Zeliff
Moakley	Sensenbrenner	Zimmer

Whitfield	Wise	Wyden
Wilson	Woolsey	Wynn
NOT VOTING—3		
Dornan	Frost	Yates

□ 1240

Messrs. SPRATT, SABO, MASCARA, and WYNN, Ms. WOOLSEY, and Mr. COYNE changed their vote from "yea" to "nay."

Messrs. HOEKSTRA, EWING, TIAHRT, HEINEMAN, JONES, DICK-EY, FUNDERBURK, KENNEDY of Massachusetts, and OLVER, Ms. ROY-BAL-ALLARD, Mrs. SMITH of Wash-ington, Mr. TORRES, and Mr. SAN-FORD changed their vote from "nay" to "yea."

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1240

SCHEDULING OF HEARINGS CON-CERNING THE MEXICAN BAILOUT

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, if I might just take a moment of the body's time, I want to first begin by observing my appreciation to the gentleman from Mississippi [Mr. TAYLOR] and his co-sponsors for the initiative they have taken, the interest and concern they have expressed with this initiative. It is unfortunate that the initiative came to the floor in an order that was not, in fact, in order with the rules of the House.

I did want to tell all the Members that the House Republican leadership does, in fact, recognize the amount of concern that we have on both sides of the aisle on this issue, and that there are arrangements being made in the committees to begin hearings to give this Congress its legitimate and order-ly exercise prerogative to examine this issue and the manner in which it is carried out, and the Members should be reassured that, in fact, they will have an opportunity to address this issue.

And again, as I said, in all due re-spect to the effort taken by the gen-tleman from Mississippi [Mr. TAYLOR] and his colleagues, we do appreciate their effort.

Before I yield enough, I would like to make the observation, I frankly do not think it is desirable to take up the body's time for an extended debate. So for brief comments, I will yield first, to the gentleman from Ohio [Ms. KAP-TUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding to me. I will not take a long time.

Obviously, those of us who strongly supported that resolution are ex-tremely disappointed. We consider this to be a historic moment in the House because of that ruling, and the fact

that we were just silenced without even the ability to debate for 1 hour in the full House.

Now, I understand the gentleman and the majority control the committees, and I understand what happened in the committees, and why we do not have a bill on this floor today.

But let me say to the gentleman I en-courage you on your efforts in the com-mittees. We do not expect anything of consequence to result from that. But I know that there are Members along with myself on both sides of the aisle who are very concerned about this his-toric move of the House to silence the Membership on the largest use of unap-propriated dollars in the history of this Nation.

Mr. ARMEY. Let me just say I do ap-preciate the gentlewoman's disappoint-ment. I have felt it myself many times. But it was, in fact, the correct ruling of the Chair.

Mr. BURTON of Indiana. Mr. Speak-er, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Let me just say I share the concern of the gentle-woman from Ohio. We will hold exten-sive hearings on this subject, how it will impact on the United States, Mex-ico and other Latin American coun-tries. It will not be just window dress-ing. We are going to hold extensive hearings. The gentlewoman will be in-cluded in the discussion at the hearing.

VICTIM RESTITUTION ACT OF 1995

Ms. PRYCE. Mr. Speaker, by direc-tion of the Committee on Rules, I call up House Resolution 60 and ask for its immediate consideration.

The clerk read the resolution, as fol-lows:

H. RES. 60

*Resolved*, That at any time after the adop-tion of this resolution the Speaker may, pur-suant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 665) to control crime by mandatory victim restitution. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally di-vided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute rec-ommended by the Committee on the Judi-ciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consid-eration of the bill for amendment, the Chair-man of the Committee of the Whole may ac-cord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amend-ments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and

NAYS—143

Abercrombie	Furse	Murtha
Ackerman	Gibbons	Myers
Andrews	Gonzalez	Nadler
Baesler	Gordon	Oberstar
Barcia	Hall (OH)	Obey
Barrett (WI)	Hall (TX)	Orton
Bevill	Harman	Owens
Bilbray	Hastings (FL)	Pallone
Bishop	Hayes	Parker
Borski	Hefner	Payne (NJ)
Brewster	Hilliard	Peterson (FL)
Browder	Hinchey	Peterson (MN)
Brown (CA)	Holden	Pomeroy
Brown (FL)	Hoyer	Poshard
Brown (OH)	Hunter	Rahall
Bryant (TX)	Istook	Rangel
Chapman	Jacobs	Reed
Clay	Johnson (SD)	Rivers
Clayton	Johnson, E. B.	Roemer
Clement	Kanjorski	Rohrabacher
Clyburn	Kaptur	Rose
Coble	Kennedy (RI)	Sabo
Collins (IL)	Kildee	Sanders
Collins (MI)	Kleczka	Schroeder
Condit	Klink	Scott
Conyers	Klug	Sisisky
Costello	Lantos	Slaughter
Coyne	Largent	Spratt
Cramer	Lincoln	Stark
Danner	Lipinski	Stearns
Deal	Lofgren	Stokes
DeFazio	Lowey	Stupak
Dellums	Luther	Tanner
Deutsch	Martinez	Tauzin
Dingell	Mascara	Taylor (MS)
Doyle	McDermott	Taylor (NC)
Duncan	McHale	Thompson
Durbin	McKinney	Thurman
Engel	McNulty	Towns
English	Meek	Trafficant
Eshoo	Menendez	Tucker
Evans	Miller (CA)	Velazquez
Farr	Minge	Visclosky
Fattah	Mink	Watt (NC)
Fields (LA)	Mollohan	Weldon (PA)
Filner	Montgomery	

□ 1250

report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

The SPEAKER pro tempore (Mr. KOLBE). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend and colleague, the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 60 is an open rule providing for the consideration of H.R. 665, a bill designed to ensure that criminals pay full restitution to their victims for all damages caused as a result of the crime committed and to any other persons who are harmed by an offender's unlawful conduct.

This legislation is the first in a series of anticrime measures which the House will consider this week. It is only fitting that the first bill, the one dealing most directly with the casualties of crime, the victims themselves, be considered under an open, wide open, rule, because each and every Member here brings to this debate a unique and personal perspective on this issue.

For, tragically, crime is so pervasive that no citizen escapes its reach.

This rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and makes in order the Committee on the Judiciary amendment in the nature of a substitute as the original bill for the purpose of amendment under the 5-minute rule.

Finally, the rule provides for one motion to recommit with or without instructions. Under this rule, the Chairman of the Committee of the Whole may give priority and recognition to Members who have printed their amendments in the CONGRESSIONAL RECORD.

Let me just emphasize once again to my colleagues that preprinting of amendments is not mandatory. It is purely optional. Members who have not published their amendments will still be permitted to offer them at the appropriate time.

The majority on the Committee on Rules continues to encourage Members to exercise this option in the future not only to receive priority status but also to inform our colleagues in advance of the number and type of amendments they are likely to be offering.

Mr. Speaker, throughout my years as a judge and prosecutor, I worked closely with victims of crime, and was very often moved by their plight. These individuals and their families did not ask to be victims, yet after experiencing crime firsthand, they bravely embarked on the process of trying to recover from unexpected, unwanted, and totally undeserved trauma.

The committee report accompanying H.R. 665 includes some very sobering statistics. For example, according to the Bureau of Justice Statistics, from 1973 to 1991, more than 36 million people in the United States were injured as a result of violent crime. In 1991 alone, crime resulted in an estimated \$19.1 billion in losses. Clearly, there are tremendous costs associated with crime—emotional, physical, and financial—all of which must be borne by individuals, families, and ultimately, by this Nation.

After years of elevating the rights and needs of criminals, the American public is beginning to recognize that crime victims have very real needs as well. Their voices are finally being given a meaningful role in the public policy process, helping them turn their personal anguish into positive action. Despite this progress, crime victims' rights are still often overlooked, and additional reforms are needed to bring some balance into an often one-sided process. One of those reforms is the right to adequate restitution from the perpetrator for losses incurred as a result of the crime itself.

That is the purpose of H.R. 665—to mandate that restitution be awarded by the court in Federal proceedings, and that it also be considered for persons other than the victim who may have been harmed by the criminal's unlawful acts.

Although this legislation cannot erase the victims' suffering, it is an important step toward securing justice and ensuring greater accountability on the part of criminals themselves. H.R. 665, would require criminals to come face-to-face with the harm suffered by their victims and also just as important provide the victim with some small sense of satisfaction that the system addresses their needs as well.

Only one amendment was offered during the Judiciary Committee's markup of H.R. 665, and it was accepted by voice vote. The bill itself was reported favorably, as was this rule. Should there be any remaining concerns about the legislation, this open rule would give the House ample opportunity to discuss them.

Mr. Speaker, crime victims do not ask for our pity and do not ask for our sympathy. They simply ask to be treated with the respect and compassion their circumstances deserve. I strongly support the Victim Restitution Act of 1995, and urge adoption of this very open rule so that we may continue the spirit of openness and delib-

eration that is needed in the people's House.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I would like to commend my colleague, the gentlewoman from Ohio [Ms. PRYCE], as well as my colleagues on the other side of the aisle for bringing this resolution to the floor. House Resolution 60 is essentially an open rule which will allow full and fair debate on the important issue of victims restitution. Under this rule, germane amendments will be allowed under the 5-minute rule, the normal amending process in the House of Representatives. I am pleased that the Rules Committee was able to report this rule without opposition and I plan to support it.

Although this rule is open it does include a provision allowing the Chair to give priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. This is unnecessary to the rule and sometimes confuses Members who are not sure whether the printing requirement is mandatory.

Mr. Speaker, House Resolution 60 allows the House to consider a very important piece of legislation, H.R. 665, the Victim Restitution Act. According to the Bureau of Justice Statistics, from 1973 to 1991, 36.6 million people in the United States were injured as a result of violent crime. In 1992, there were nearly 34 million victims of crime nationally. The purpose of this bill is to ensure that criminals pay full restitution to their victims for all damages caused as a result of a crime.

Since crimes against people and households have resulted in an estimated \$19.1 billion in losses in 1991 alone, it is only fair that restitution be ordered. By requiring full financial restitution, the act requires an offender to face the victims of his crime, and the victims to receive some compensation for their emotional and physical harm resulting from the crime. I understand this bill does have bipartisan support and major amendments are not expected. I sincerely hope we will continue to see open rules on the more controversial crime bills coming down the pike as well.

As I indicated before, I support this open rule and I urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE. Mr. Speaker, it is my pleasure to yield 3 minutes to the very distinguished gentleman from Florida [Mr. GOSS], our very able chairman of the Subcommittee on the Legislative Process of the Committee on Rules.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. I thank the distinguished gentlewoman from Columbus, OH, Judge PRYCE, for yielding this time to me and would like to say how happy we are to have her as a member of the Committee on Rules. It is already making a difference, as you have just heard.

Mr. Speaker, what a difference 7 months makes as well. Last August this House spent countless hours in an effort to pass a crime bill conference report that I do not think anybody was enthusiastic about. After keeping Members in town for an extra week and a half of sweet persuasion, as I think Speaker Foley used to call it—some others of us would call it arm-twisting—the Democratic leadership was able to eke out a very small majority to pass out the rule and the bill.

I had the privilege of managing the crime bill rules for the minority last August, and two things about that debate really stand out in my mind. The speech by Minority Leader Bob Michel preceding the original vote on the crime bill, I think, can now be seen as the turning point in 40 years of congressional history and, in some ways, the start of the 104th Congress.

An energized Republican minority at that time joined by dissatisfied Democrats defeated the rule, actually defeated the rule, signalling the beginning of the end, I think, for the old order. Republicans won a hard-fought battle for a seat at the bargaining table because of that vote, primarily, and many saw for the first time a light at the end of the permanent minority status tunnel that we were in.

However, despite that long bipartisan negotiation that followed, I think most Members of the House were underwhelmed by the final crime bill product, and so here we are today.

Our Members on this side in fact did make a promise then, we promised to revisit the crime bill and to address its many shortcomings if we were put in the majority. The American people listened, and we are here today as the majority. A short 7 months later, just over a month into the 104th Congress, we are fulfilling that promise. And we are doing so under an open rule.

Let us not forget that the original rules, there were several of them for consideration of last year's omnibus crime bill, were some of the most creative, I think you can read contrived for that, that we have seen, including special provisions to report and consider a rule on the same day, a multitude of waivers, including waivers for not having a report on the bill, a report on the bill, and for dispensing with the normal 3-day layover. In other words, Members did not necessarily know what was in the bill. And a closed amendment process that picked and chose among the scores of amendments that were actually filed. What a difference 7 months make, and what a dif-

ference a new majority makes. Today we have an open rule, as promised, to proceed under.

So I cheerfully urge my colleagues to support the rule and the bill. It is worth your vote.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules.

Mr. MOAKLEY. I thank my colleague from Ohio for yielding this time to me.

Mr. Speaker, like the other Democratic members of the Committee on Rules, I am very glad the bill is being brought up under an open rule, but I must say that I think it could just as easily have been brought up under suspension of the rules, especially given the great hurry to finish the Contract With America within 100 days.

Mr. Speaker, there is no controversy at all around this bill. It had one amendment in committee that passed by voice vote. The bill itself passed the committee on the Judiciary by a voice vote. The majority could have just as easily put this under the suspension calendar, and I do not know why they did not, unless they want to show all the open rules that they have amassed over the year.

□ 1300

Yesterday, in the Committee on Rules, the chairman of the Committee on the Judiciary said this bill was non-controversial. So, an open rule for the bill is a good step, but not exactly a courageous one.

Mr. Speaker, what concerns me is what may happen when we get the more controversial parts of the crime bill to the floor. Last week the majority brought up three bills under open rules that passed last session under suspension. Well, I say to my colleagues, "You know, it's one thing to have a definition of what an open rule or closed rule is, and it's one to use open rules when you can and suspensions when you can, and especially when the chairman keeps prodding people, 'Hurry up, hurry up, we have only got a hundred days, and Ronald Reagan's birthday,' and so on, an I'm just afraid it might be somebody else's birthday Sunday and we might not even be able to go home."

But today my Republican colleagues are bringing up a bill that has few, if any, amendments under an open rule, but it looks like tomorrow or the next day they will bring up bills that do have amendments under a closed rule. In other words:

"You can have an open rule, if it doesn't look like you're going to use it."

Mr. Speaker, let us continue this trend of open rules on crime bills, whether Members have amendments or not.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from upstate New York.

Mr. SOLOMON. Where it is about 30 below zero without the wind chill factor right now.

It just bothers me that here we are trying to be as open, and fair and accountable as we possibly can. I just want to inform the gentleman that we are right now entertaining a suggestion from his minority leader, the gentleman from Missouri [Mr. GEPHARDT], and other Democrat leaders on trying to do exactly what the gentleman is complaining about.

The SPEAKER pro tempore (Mr. HEFLEY). The time of the gentleman from Massachusetts [Mr. MOAKLEY] has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield an additional minute to the gentleman from Massachusetts.

Mr. SOLOMON. Mr. Speaker, I ask, "Why doesn't he yield him such time as he might consume?"

Mr. MOAKLEY. I say to the gentleman, "Mr. SOLOMON, we know you're all-powerful, but please let Mr. HALL do what he wants to do."

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Well, as I was saying, the Democrat minority would like to bring up on the floor, as early as maybe even this afternoon or tomorrow morning, the habeas corpus or the death penalty bill.

Mr. MOAKLEY. Under an open rule.

Mr. SOLOMON. We are trying to accommodate our colleagues; with no rule at all by unanimous consent, so the gentleman ought to, as my colleagues know, be cooperative. We are going to consult.

Mr. MOAKLEY. I will be very cooperative. All I want to do is show the rules, the definition of the rules, that we worked when I was chairman and the definition of the rules that the gentleman is working as the chairman. Last week, Mr. Speaker, we put three bills on open rules, when under my chairmanship they went through the Suspension Calendar.

Mr. SOLOMON. I do not want to belabor the point.

Ms. PRYCE. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. PRYCE] for yielding and would like to congratulate her on her superb management of this bill, and I would simply respond to the former chairman, the now distinguished minority ranking Member's position on suspensions versus open rules, and we need to recognize, Mr. Speaker, that under the suspension provisions amendments are not allowed, and the main reason that we have proceeded with this open amendment process is that we allow Members to have a chance to offer amendments, whereas in the past open rules were granted when there were virtually no amendments that were even being considered at all, and so our

goal here is to allow Members that opportunity.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield.

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Well, there were no amendments offered in committee on the ones that went through suspension last year, and there was one amendment that was accepted by voice vote in the Committee on the Judiciary, and then after that was accepted, the entire bill was accepted on voice vote.

Mr. DREIER. Reclaiming my time, Mr. Speaker, under the open amendment process we did not announce here on the floor for Members to come upstairs, the reason being that we planned to have a completely open process. Two amendments were filed with the RECORD here, so there were amendments the gentleman from Vermont [Mr. SANDERS] offered, and we, in fact, have wanted to have free and fair debate and an open process.

We are not simply trying to run up the number of open rules we have, which tragically was the case in the 103d Congress, and so the Suspension Calendar actually does restrict Members from having the opportunity to participate—

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I ask the gentleman, would you and Mr. SOLOMON go back over the RECORD a couple of years, and take all the bills that we put under suspension, and make—

Mr. DREIER. Absolutely not because it is a completely different structure.

Mr. MOAKLEY. It is a completely different regime.

Mr. DREIER. That is true, too.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, can there be any doubt in the America of today that crime, that lawlessness, that violence that is afflicting our families and their homes and their businesses on streets and highways across this country is a No. 1 concern?

Indeed at the very moment of this debate, Mr. Speaker, there are honest, hard-working Americans who are out there being subject to violence to their life, to destruction of their property, from those who are lawless, who are the target of this legislation, and yet one would think that, knowing the enormity of this problem, our Republican colleagues, who have a commanding majority, would be here structuring a debate so that we could have an open and free-flowing discussion of the most effective way to fight crime in this country.

That is not occurring here.

In fact, the underlying agenda of what is occurring here today is not open and free-flowing debate. Rather it is the attempt to split, and to split asunder, the first truly comprehensive

smart crime fighting measure that this Congress enacted within less than 9 months. That bill is not presented to us today in whole. It is split into itty-bitty parts.

And where do we begin in that debate? Do we begin up front in trying to prevent crime? Do we begin with the law enforcement officers, all of whom, all of the major law enforcement organizations, back this smart crime bill; do we begin with them? No, we begin at the tail end.

I can tell my colleagues that this debate is a classic case of the tail wagging the dog, and, as a fellow named DOGGETT, I am an expert on that subject. I can tell my colleagues, "When you begin at the tail end of crime instead of dealing with the dog, instead of dealing with the police, and with the crime fighting, and with the crime prevention, you begin at the wrong end."

So what do we find ourselves doing in this great building at a time that Americans are dying, at a time that Americans are having their property stolen? We are here talking about a bill that everybody agrees on, that there should be restitution. Of course there should be restitution.

As a State senator, I sponsored crime victims compensation strengthening amendments to ensure that criminals in our State of Texas did some restitution and did some repayment to victims. But, by golly, do my colleagues know a victim anywhere in this country who would not rather have the crime prevented? Who would not rather have the law enforcement officer there on the beat in the community instead of getting restitution?

Our Republican colleagues bring us a bill to fight crime that we agree with, and why do they do it this way, under this great open rule? Well, I will tell my colleagues why. Because somewhere among the splintered bills of this great crime bill that was passed by the last session of Congress, right at the tail end of the presentation is the measure concerning our police, concerning crime prevention.

Why is it that the police always have to come in last? Why is it that the crime prevention has to come in last? Because the Republican majority that claims to be against crime has structured a debate that does not allow for a free-flowing discussion of whether we ought to end the commitment to a hundred thousand police on American streets, end the Federal commitment to effective local crime prevention programs, and take all that money that the police would have gotten that have added 25 new police to my hometown in Austin, who are being trained right now, take that money and pour it into concrete, pour it into steel bars, and somehow think we can build prisons fast enough to house all these violent criminals if we do not do a better job of preventing crime in the first place.

□ 1310

Mr. Speaker, it is essential that in the course of this debate we recognize

that if all that is accomplished out of these splintered bills is to take money away from our policemen, many of whom are here today as I speak covering a press conference defending the crime bill that was passed last week, if we take that money away from our law enforcement officers, that thin blue line that protects American communities, if we take away that commitment and if we destroy a Federal commitment to an effective local crime prevention program, which is exactly what this series of bills does, if we take all that money and we pour it into concrete and we pour it into steel bars and we pour it into boondoggles, Mr. Speaker, there is no way we can build fast enough to replace what we have destroyed.

I support this victims restitution bill. I do not know of anyone who does not support it. But, by golly, we need to be on the side of our law enforcement officers. We need to keep adding more law enforcement officers and more prevention and then take care of restitution.

Ms. PRYCE. Mr. Speaker, I am very pleased to yield 3 minutes to one of our new colleagues, the distinguished gentleman from Florida [Mr. FOLEY]. The gentleman from Florida has already proven to be a very active and very effective Member of the House of Representatives, and we are very pleased to have him with us.

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman from Ohio and, of course, my good friend, the gentleman from Florida [Mr. MCCOLLUM] for their leadership on the crime bill.

This is the Victim Restitution Act. "Victim"—let us say that word repeatedly—"victim." This is not about hurting the police officers. We want to help them, but we cannot help them unless we make the victims whole from their tragedies. Let me tell the Members about a personal experience I had.

My home was broken into. The perpetrator of the crime was a juvenile. He had been arrested 17 times. Each time the parents came into the courtroom and said, "Your Honor, we're trying. He's really a nice young man. We're doing our best."

Each time the judges would say, "O.K., go home. Probation."

When my home was robbed, the judge looked at the family when the parents started that same pablum about "My good child," and said, "You know, you must be proud of your son. Who wouldn't be proud of a child that had been arrested 17 times? I'll make a deal for you. Mr. FOLEY has lost 3,000 dollars' worth of valuable possessions from his home. If you're not in the courtroom, parent, at noontime tomorrow with a check made payable to the Clerk of Courts for \$3,000, I will put in

an arrest warrant for you and your son and you'll stay in jail until you decide who is going to be the boss of the family."

With that the father hit the kid in the head and said, "Look what you got me into."

It took money out of the parents' pockets to recognize that they are responsible for their children.

Let me tell the Members another story that happened in my district. Joe Dubeck, a young man in my district, was stabbed in the chest. After nearly dying on the way to the hospital, he was rushed into intensive care. While he was laying on the gurney, the assailant was bailed out with \$3,000. Three thousand dollars, and he is out of jail. Joe Dubeck spent weeks in recovery, and thankfully, he is seeking recovery, and I am happy to say that he is now back with his wife and children. While he continues that recovery, however, his small business that he was building is undergoing serious challenges.

For far too long we have forgotten the innocent victims of crime. This House resolution and H.R. 665 are going to help prevent that. The bill restores common sense in the criminal justice system by holding criminals responsible for their actions.

I rise in support of this bill because of the Dubeck family and the many young families like them that have had to watch from the sidelines as our system coddles the villains and ignores those who abide by the laws of this Nation.

Mr. Speaker, I urge my colleagues to support this bill to get tough on the criminals, to support law enforcement officers who want this bill to pass because they are tired of arresting criminals who are released before their report ink is dry. They want this bill to pass because it will help them do their jobs to protect the members of their communities.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 60 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 665.

□ 1312

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 665) to control crime by mandatory victim

restitution, with Mr. RIGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, to explain this victims restitution bill, I yield such time as he may consume to the chairman of the full Committee on the Judiciary, the honorable gentleman from Illinois [Mr. HYDE].

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, the 1994 Omnibus Crime Control Act was not so omnibus. It did nothing for the victims of crime.

This bill remembers that crime has victims; this bill remembers that the victims for too long have been forgotten in the sentencing process; this bill remembers that the victims for too long have been without standing to address and advise sentencing judges of the economic harms visited upon them through the criminal actions of the offender.

This bill directs Federal judges to impose upon convicted defendants restitution orders to pay back their victims for the harm caused by virtue of their criminal activity. No longer will the defendant's financial situation take precedence over his victim's. Instead, consideration for the victim is a primary consideration in the sentencing process, just where it belongs. Today criminals know that crime pays. Now it will pay the victims. Defendants are financially responsible for physical, emotional, or monetary harm. Victims can be reimbursed for child care, transportation, and other reasonable expenses related to their participation in the prosecution of the offense.

The court under this legislation must consider the victim's financial circumstances when determining the manner and method of payment or restitution. The victim will be paid either a lump sum, in interval payments, or in kind. In-kind payments include return of the victim's property and replacement of the property or services rendered. The bill guarantees that the victim of criminal activity will not be overlooked at any point in the criminal justice proceedings.

Mr. Chairman, this is a restitution bill with teeth.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, this may have been a bill that could have been a candidate for the Suspension Calendar, but I think it will move rapidly through the House under the procedure that now exists.

I rise in support of the Mandatory Victim Restitution Act of 1995. It is a good measure which has the broad support of Members on both sides of the aisle. In essence, the bill changes the current law which gives Federal judges the discretion to order restitution.

□ 1320

Now under H.R. 665, judges would be compelled to order convicted offenders to pay restitution to their victims. It is clear to me that this provision draws upon the 1994 crime bill enacted into law which created a similar provision to enable women who had been victims of violence to recover damages from their attackers, another good measure that we all supported.

An innovative aspect of this legislation is the provision that restitution may also be ordered for any other person, that is, one who is not a victim, who has yet suffered physical, emotional, or monetary injury from the criminal act or conspiracy or pattern of unlawful activity.

For instance, in drug dealing and racketeering cases there are thousands of victims who now have a chance of meaningful economic recovery for the damages inflicted upon their communities. In neighborhoods where crack houses now spread destruction among young people and where businesses are afraid to operate, it is not enough to arrest of few low-level drug dealers who can easily be replaced.

Now, after a conviction, when the trial moves to the damages stage, all the victims will now be empowered to rise in unity against the hugely profitable drug dealers to seek restitution for their injuries.

But let us be candid: This provision should be a useful tool in white collar prosecutions as well. It is needed to combat environmental pollution by requiring corporate defendants who have been convicted of toxic discharges to pay homeowners whose property has been damaged or who have suffered emotional injury. It is needed to pay restitution to victims of price fixing or securities violations or for those who are victims of criminally negligent actions of manufacturers.

Of course, in many cases involving poor defendants, the chances of a victim recovering any restitution at all are about as good as getting blood from a turnip. In fact, only 18 percent of the current Federal defendants are under a restitution order, suggesting that this may be an impracticable idea in many ways.

However, given the broad possibilities of helping reduce fear in neighborhoods and holding corporate criminals accountable for their actions, I urge my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to have introduced H.R. 665, the Victim Restitution Act of 1995, and to speak in favor of its passage today. It is very fitting that we begin our floor consideration of crime legislation in the 104th Congress with a bill about victims. Perhaps no group has been more forgotten in our criminal judicial process than the victims of crime. Too often they are denied justice, but even more they must endure their losses without compensation.

Under current law Federal judges are merely authorized to order offenders to make restitution to their victims. While the restitution may be ordered in addition to any other penalty if the crime is a felony, it can only be ordered in lieu of any other penalty if the crime is a misdemeanor. There is no provision for restitution to be paid to anyone other than the immediate victim of the crime.

Under H.R. 665, however, Federal judges would now be required to order criminals to make restitution to their victims. The bill also would give the court the discretion to order the offender to make restitution to persons other than the victim, but who have also been harmed by the offender's unlawful conduct.

Specifically, H.R. 665 would ensure that offenders make restitution to their victims by mandating that restitution be paid to victims of crime, in addition to any other penalty authorized by law. Judges would be able to substitute restitution for other penalties only in the case of misdemeanor crimes. The bill would also help to ensure that all persons harmed by an offender's unlawful conduct receive restitution by giving judges the discretion to award restitution to all persons harmed by the offender's conduct, regardless of whether that harm was physical, emotional, or financial.

The bill would ensure that restitution is paid in full by requiring that restitution orders be calculated without regard to the offender's ability to pay or the fact that the victim has received or is entitled to receive compensation from some other source. But the bill does allow the judge to consider the offender's finances and assets, projected earnings, and other financial obligations when deciding how to schedule the offender's payments of the restitution actually awarded.

The bill's provisions ensure fairness by limiting the victim to one recovery through a provision which requires that the restitution award be set off from any damages that the victim may recover against the offender in a civil action relating to the crime. The bill also provides that insurers which pay compensation to victims will be entitled to receive the restitution payments once the victim is made whole.

The bill's provisions have teeth, so that offenders will comply with restitution orders. The bill provides that if the offender fails to live up to the terms of the restitution order, the court may revoke any probation or supervised release granted to the offender, hold the offender in contempt of court, enter a restraining order or injunction, or take any other action necessary to force the offender to comply with the restitution order. The bill also allows the Government and the offender to enforce the order as a civil judgment in Federal court.

The bill ensures that judges will have maximum flexibility in awarding restitution. Under the bill, judges may award restitution in the form of money payments or in-kind restitution such as the return of property, replacement of property, or services to be rendered to the victim or even to a person or organization other than the victim. It also allows both victims and offenders to petition the court to modify the restitution order if the offender's economic circumstances change at a later date.

I might make sure at this point, Mr. Chairman, that everybody is clear that this bill covers not only violent crimes that most people think of when they think of crimes, but whatever white-collar crimes you might conceive of, including Federal crimes involving fraud. Mail fraud in particular, I would point out, would be covered by this. If some elderly person in my home State of Florida were to be defrauded in the process of some hooligan coming through with mail fraud or some other Federal fraud crime, that certainly is covered. It also would cover any kind of situation involving a securities fraud or securities scam or any other crime of a Federal nature involving a pecuniary loss to an individual as well as those kinds of crimes involving physical harm, as has been pointed out in this previous discussion.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to commend the chairman of the subcommittee for making that clarification, because we raised this briefly in the full committee, and also in my remarks. So we are talking about the fact that corporate defendants and white collar criminals would all be caught under this, as well as those who commit street crime.

Mr. MCCOLLUM. They will be caught under this bill. Restitution would apply to all types of Federal crimes as far as the injuries are concerned. It is very clear we are talking about pecuniary as well as injuries to the person.

Mr. CONYERS. Mr. Chairman, I commend the gentleman, and thank him for that further detailed explanation.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I would also point out that as we look through this restitution provision, you will note that

there are other victims who might be not considered normally a victim who are going to get some kind of compensation. For example, let us assume that you have a single mother, a single parent, who is going to come to court to testify against a criminal defendant. That person may not be the victim in the sense of having been the person who was harmed, but perhaps she witnessed the activity, and she has to leave her child with a child care sitter or somebody to care for that child and has to pay those costs.

Under this restitution bill, the court could order that the accused, who then becomes the convicted person once he is convicted of the crime, the judge could order him to pay restitution to this witness, the mother, who had to pay the child care fees and so on.

So it is a very broad restitution bill. It leaves a lot of discretion to the judge, but it mandates that he compensate, at least through the order of restitution, the actual victim of the crime.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. OXLEY], who authored, I believe, the first one of these restitution proposals several years ago, and it is finally coming to fruition.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I want to first commend the Committee on the Judiciary for bringing this crime victims restitution bill to the floor today. It is not I think an accident that this is the first of several crime bills in which the new majority attempts to rewrite the crime bill of 1994. I applaud them for their efforts and for their foresight.

□ 1330

Mr. Chairman, I obviously rise in support of H.R. 665, the Victim Restitution Act.

This has been a long time coming for this Member. Five years ago, in the 101st Congress, I introduced the first mandatory victims' restitution bill into the Congress. Then minority leader, Bob Michel, and I offered an amendment to the 1990 crime bill on the floor of the House, and with Bob Michel's strong support, we passed that crime victims' restitution bill on a voice vote.

Our good friend and colleague in the other body, Senator DON NICKLES from Oklahoma, introduced a similar bill that was passed in the Senate, so we had a crime victims' restitution bill that had passed in the House, in the 101st Congress, passed in the Senate, and then somehow disappeared from the conference committee report. Lo and behold, that was to set the pattern for crime victims' restitution bills during the last 5 years.

I think that is unfortunate, because this bill is essentially based on personal responsibility, saying to the bad guy, "Look, not only do you have to

face jail and fines, but you also have to try to make that victim whole. That is, as a personal responsibility, you have violated not only the law of the land but you have violated some other individual or group of individuals and, therefore, you should have to be required to make that person whole."

That is really what this provision is all about. So we fought and fought. Last year in the 1994 crime bill, same old stuff, introduced a bill, had 150 some cosponsors, bipartisan in nature. Went to the Committee on Rules and asked that the amendment be made in order. Guess what? The Committee on Rules, about midnight, essentially stiffed us one more time. We were not able to bring up crime victims' restitution, even though I had, again, the strong support of Bob Michel, and though he is no longer with us and has retired, I am sure that this is a proud day for him as we finally see this legislation on the floor and ultimately going to be enacted into law.

This bill holds support for victims. It holds an offender accountable for his actions and strengthens some of his personal responsibilities, something that we have too little of today, society. I am just excited about the prospects for this bill.

Let me say also to my friend from Florida, who has shown great leadership on this issue, that all of the crime victims' restitution organizations, the crime victims' groups that are all over the country, and I know he has some in his district, I have got some in my district, all of them for numerous years, at least 5 years since I have been involved in this project, have strongly endorsed mandatory crime victims' restitution. I think we owe it to those folks who have worked long and hard for this day to pass this legislation. I commend it to my colleagues.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I rise in support of the Victim Restitution Act of 1995. Let me add that none of us clearly can imagine or walk in the shoes, the footsteps, in the footprints of victims.

Clearly I believe that what we have done in a really bipartisan manner is to be able to say to the more than 36 million victims in this Nation that this House will stand with you. Many times victims have approached some of the systems that have been put together by States which in good faith have offered victims restitution. They have not been mandatory. They have not been required. Some victims have been confused as to how they access this compensation.

It is also important to note, as I stand here, that coming from the 18th congressional district in the State of Texas, that importantly victims come

in all shapes and sizes, all races, male and female, children, families. We come now under this particular act to be able to say to these individuals that "we will now stand for you and with you. Restitution is not only offered but it is required. And we will not treat you like another litigant in the courtroom, asking you to show what other compensation you have received. But we will say to you that regardless of insurance and other sources, it is important for the person who did the crime, and was convicted to show the victim the deference and the respect of restitution for the emotional, financial and other kinds of loss that you have received."

I think that we are truly going in the right direction. This legislation gives the court the discretion to provide restitution to someone who is not just the crime victim, who in some manner has been harmed physically, emotionally, or financially by the criminal's acts. That speaks to some very tragic situations that have occurred in my district in Texas, where a grandmother now is taking care of the children of her deceased daughter, a loving daughter who stood by her children, who simply was going to the grocery store in order to provide them with the necessities of life and never, never came home.

Now we have that grandmother who is left to care and love and nurture those children. Oh, she does it in good spirit and love. She does it with enthusiasm. But yet she does it with great need, need for support, need for restitution from that particular criminal or that person who was the offender.

I think we are starting in the right place. And I think the place where we are starting is a bipartisan place, which offers to the American people a commitment to the victims of crime.

We should go further, of course, as we proceed with this bill. We certainly should look at prevention. We should look at expanded cops on the streets. All of those are parts of the aspects of making sure that we face crime in an intelligent manner, but a compassionate manner.

Mr. Chairman, I rise to support the Victim Restitution Act of 1995, because I know the victims in my community. I know the police in my community who have come to me to share in these many stories. As a lawyer, I have seen individuals, as victims, who have had various situations that have required assistance.

So I simply say that it is important that we stand for the victims and support the Victim Restitution Act of 1995.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER], the distinguished ranking member of the Subcommittee on Crime, of the Committee on the Judiciary, and the former chairman that subcommittee.

□ 1340

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Michigan

[Mr. CONYERS], not only for the time but for his leadership on this important issue.

Mr. Chairman, I would like to make three points. The last one will be about the bill. I would like to talk about two other things first.

First is the timing of the whole six crime bills. I would say to my colleagues—and the gentleman from Florida [Mr. MCCOLLUM], who in all the years I have worked with him, including his brief tenure as chairman of the Subcommittee on Crime of the Committee on the Judiciary, he has been very fair—that today we only have one or possibly two bills on the floor.

I know that the majority leader and others are saying we have to meet certain deadlines on the crime bill and on the contract. There is a great deal to debate on the last three bills, the exclusionary rule, the prisons bill, and the police prevention bill.

What we had urged, Mr. Chairman, through our leadership, and I know they met with the Speaker this morning and late last week, was that we hurry up, we do these bills together, and give us more time Thursday, Friday, Monday, and Tuesday for exclusionary rule, prisons, and prevention. To just do this restitution bill, which is not controversial in the least and has broad bipartisan support, and then not do anything else today, and then rush us in on Monday and Tuesday to do both habeas and prevention would not make much sense.

I would just make that point: Mr. Chairman, let us use that time today.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from New York.

Mr. MCCOLLUM. Mr. Chairman, the gentleman may not be aware, but when this restitution bill is finished, and I do not believe it is going to take much time, we are going to move right into the exclusionary rule bill. We should complete that today.

In addition to that, as the gentleman may be aware from discussions yesterday, there are ongoing discussions with the ranking member of the gentleman's full committee in an effort to bring up some of these bills earlier, which we are more than happy to do if we can waive some of the technicalities involved in it.

Mr. SCHUMER. Reclaiming my time, Mr. Chairman, I think that is a very worthwhile thing, to do the exclusionary rule today. That makes a good deal of sense. That was the main urgency I had. I would not have wanted to adjourn at 3 o'clock and be told we did not have time to debate.

The second point I would make is on a different point. It is on the general crime bills themselves; that is, what the American people want is this: They want us to do something real about crime.

They knew that we did something real last year. The tough on punishment, smart on prevention, hundred thousand cops formula had broad and wide public support from one end of America to the other. There may have been minor imperfections in those bills, most of which were cleared up by the time the bill reached the President's desk, but the basic concept was there.

Mr. Chairman, I am virtually certain—I have seen polling data, I have talked to people in law enforcement and everywhere else—that the American people do not want to rip up that bill and start all over. They certainly do not want to just make a few quick and rather cheap political points to say, "We had a better one than you had." They want us to work together on crime.

This bill, Mr. Chairman, that we are talking about is just what it is all about. If the new majority wants to build on our old crime bill, fine. Everything can be improved. That is what is happening in restitution. The very restitution measures that were in the Violence Against Women Act, this bill expands to all other victims. Good idea. It does not destroy what we did before; it builds on it.

However, I must say much of the rest of the bill, particularly on the police and the prevention side, as well as on the prisons, goes back. To rip up those bills and start all over does not make any sense to anyone in America, and it seems to me that we are making a big mistake.

Therefore, I would use this bill, the restitution bill, as a model of what we should do, working together, building on what was done last year, which was at least in the field of crime, quite epochal. It was the first time the Federal Government got involved.

However, we should not destroy for the sake of destroying, destroy for the sake of saying, "See, we did it better." It is almost like little kids in the schoolyard going, "Nyaa, nyaa, nyaa, nyaa, our bill is better than yours, and we are doing a new one." That does not make any sense. I would urge my colleagues on both sides of the aisle to do that.

Mr. Chairman, my third point is on the substance of this bill itself. This is a good bill. Members will not find much argument from many people on this side about that. It restores restitution to people who deserve it from those who have committed crimes. As I said, it builds on what we did in the Violence Against Women Act last year.

We are all for it. We do not expect a lot of debate. The gentleman from Vermont [Mr. SANDERS] has a couple of amendments. Other than that, we will move through it quickly.

I want to compliment the majority for coming up with this proposal. It is a good idea and I fully endorse it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], a distinguished

member of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, this bill will streamline the procedure by which victims can get restitution. Victims already have the right to sue and could go into civil court, but since everybody is right here in court to begin with, they can get the restitution that they deserve.

There is one problem. It does not provide extra money for the judges and the probation officers for the extra work they will do. However, on the whole, it will allow victims to get more justice while they are in court.

However, Mr. Chairman, I would believe that victims would appreciate more of a focus on preventing the crimes to begin with than what to do after they have been victimized. This bill focuses on what happens after the people have already been victimized. We are, in other crime bills, taking money away from prevention and police officers that could have prevented their crime to begin with.

Hopefully, Mr. Chairman, we will restore some of that money to crime prevention and community police officers. In the meanwhile, I guess we have to deal with the fact that victims will be out there victimized because we did not have the foresight to prevent the crimes before they occurred.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

(Mr. GEKAS asked was given permission to revise and extend his remarks.)

Mr. GEKAS. Mr. Chairman, when I first came to Congress, I had come from a State which had paid a great deal of attention to the rights of victims, and like many other States, had established crime victims compensation commissions and boards, with ample appropriations to cover some of the damages suffered by crime victims which could not have been recovered in court.

When I came to the Congress, President Reagan and President Bush and now President Clinton all paid their respects to victims of crimes in various ways, including Rose Garden ceremonies with anecdotes of heroic incidents involving victims of crimes, and the families of victims gathered for the proper respect that the public should have and the President did in each case pay to the victims of crime.

However, today, we elevate our consciousness and the awareness of the public to a new level of respect for the victims when we include, as we do in this bill, a feature of mandatory consideration by the judges of the most important aspect of crime victims; namely, restitution, to try to restore them to the position that they were in before the dastardly crime had occurred.

Therefore, Mr. Chairman, when we act today, what we are doing is sending a signal once and for all that the vic-

tims of crime who have for too long become a secondary feature in a criminal case in court now become equal to the juries and to the judge and to the citizens who are witnesses, and to their families, when we accord them the ultimate satisfaction and the ultimate sense of justice when we make sure that restitution is ordered on their behalf against the very individual who caused the damages in the first place.

Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, on the old television show "Baretta", the detective used to say, "Do the crime, do the time."

Today we are telling the criminals they will owe more than time.

Crime is not restricted to large cities. Even in my district that includes many rural areas, threats to personal safety are a top concern.

Crime is not restricted to certain age or income categories but the sad fact is that the problem is even more severe among minorities and the poor.

Most alarming of all are the statistics regarding women and crime. A rape occurs every 5 minutes in our country and an aggravated assault every 29 seconds.

Last year, Congress passed a bill that spent billions of dollars on criminals. This year we are going to pass a bill that makes the criminals pay.

Today we are considering an important bill that does more than give criminals time, if forces them to pay their victims for what is really irreputable harm.

For too long, crime bills have been about criminals. Now, we are recognizing that crime is about the victims.

Mr. Chairman, this is an important bill. This is a bill we should pass today. I urge my colleagues to join me and vote for this measure.

□ 1350

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. WATT], a member of the committee.

Mr. WATT of North Carolina. Mr. Chairman, I thank the minority leader on this committee for yielding time to me.

I am not going to jump up and down about this bill, either for it or against it. I will probably vote for it, but I do think that we need to point out some things to the American people about this bill and some concerns that I have.

No. 1, there is a provision in this bill that talks about when a person is on probation or parole and is not able to meet the restitution schedule, that probation or parole can be revoked, and I think that gets us dangerously close to being back to the point of the old

debtors prison, and I want the American people to be aware that that provision exists in the bill.

There is a process for going back into the court and getting the restitution order revised, but I think that process is going to be very, very difficult. So it causes me some concern.

The second point I want to raise is the matter of due process under this bill. There is really no detailed way drawn out in the bill for due process to be given to the defendant in this case. The probation officer goes out and finds certain information, brings it back to the court, there is no process for a hearing at the initial level to decide whether the restitution is just or how much restitution will be awarded, and there are some concerns that I have about that.

I simply thought that it behooved me to stand up and say that despite the fact that this bill generally moves in a good direction, there are some concerns. Those concerns were not addressed in committee because of the pace with which this bill was being moved, and I thought it would be remiss of me not to point out those concerns to the American public.

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself so much time as I may consume to close the debate.

I simply want to point out the fact that as we move through this process, we are beginning to bring to the floor six bills that comprised the Contract With America crime legislation that the Republicans, when we took over as the majority in the House of Representatives, committed to bring out in the first 100 days.

There are six separate bills, but in the proposals we put forward, we did it in one complete crime process.

The second piece of legislation that will come out later today deals with the evidence rules in search and seizure cases to open up more avenues for the officers of our criminal justice system to get convictions.

The next bill that we have will deal with prison grants and prison construction in an effort to provide a better scheme in order to resolve the issue of what we think is most important, and that is, requiring those who have committed repeat violent felonies to serve at least 85 percent of their sentences.

Another bill that will be out here very shortly deals with expediting the process of deporting criminal aliens. Those are aliens who have committed crimes in this country and are sitting in our jails taking up jail space and oftentimes actually are released and go out into the public and get lost again to commit more crimes before they are deported.

Another bill that we are going to be bringing forward very shortly deals with the process of the issue of how we speed up carrying out death sentences in death row cases to try to end the

seemingly endless appeals of death row inmates.

And the last of this series of six deals with the issue of the block grant programs that we think should be used in place of cops on the streets and the prevention programs that were passed in last year's crime bill.

The gentleman from New York referred to this latter bill when he said that he was perfectly happy with the restitution bill that we have out here today, but he did not really think we ought to be tinkering around the edges with what was done already.

I would suggest to him and to all others who may be observing this proceeding today of our Members here, that we are not going to be tinkering with that. We are going to be making a major overhaul when we get to it. We are going to be taking virtually all the grant programs that were proposed last year in the prevention area and the cops-on-the-street program which constituted together a combined amount of almost \$16 billion and we are going to be putting these together in community block grants to the cities and to the counties of this country with the highest crime rates, according to those rates and their population. We are going to be giving them this money in the amount of about \$10 billion in order that they may, in their pure exercise of their judgment, decide what is in the best interest of their communities in fighting crime, whether that be hiring a new police officer, paying overtime pay to existing police, or doing some prevention program, gosh knows what it may be. But it will be their decision. We will allow maximum flexibility to the local communities instead of having Washington dictate it.

I would just suggest that when we finish the six bills out here, including the one that the gentleman from New York referred to, we will have at that point in time actually made some very major revisions in the laws. We are not going to be tinkering with what was done last year. We are going to be making major revisions and we are going to be putting forth a general principle that Republicans believed at the time of that debate was important.

Mr. Chairman, I am not here to debate those bills, I am here to close the debate, but I felt because of the comments that were made I needed to explain that.

I close the debate on this restitution bill. It is not controversial. We do need to provide adequate restitution to those who are victims of crime. The bill before us today, H.R. 665, does that. It does go a long way to making victims whole again and making sure that those who have committed their crimes, be they violent crimes or be they white-collar crimes, pay not only in the sense of paying by punishment but paying in literal dollars and cents to those who are their victims and the other people whom they have cost in some way through their crimes compensation that will at least in some

small measure provide relief to those individuals who are the victims and others who have been harmed by this process.

It is a good bill and I urge the adoption of the bill today.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, if you would have noticed, our colleague from North Carolina raised a very sensitive point that troubles me and I would just like the gentleman to agree that we really need to look very carefully into the matter of someone on parole or probation who is brought back into the system for not meeting his restitution order, the suspicion being that he might be unemployed or unable to pay and that there ought to be some procedure that makes sure that we have not created a mini debtors prison in the process.

Mr. MCCOLLUM. If I could reclaim my time, Mr. Chairman, the court has the discretion, I might point out to the gentleman from Michigan, to make sure that he can change or modify the particular order of restitution at any time if the economic circumstances of the offender have changed, so that I do not believe the difficulty the gentleman from North Carolina raised is really present. I understand his concern. But we say here in one of the provisions of the bill, "A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender."

I really believe that that will remedy the problem that the gentleman is concerned about.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, the trouble I have with that provision, and that provision is fine and it contemplates a situation where the economic conditions of a defendant have changed and there is the time to do that, but I am not sure under this bill what court the defendant has the right to go back in front of immediately, before his probation is revoked, before his parole is revoked. There seems to be a disjoint between the process for raising that issue and the process of revocation of the parole and probation. That is the trouble I have with it.

Mr. MCCOLLUM. If I may reclaim my time, the revoking of probation when restitution is not paid is discretionary with the court. The word is "may." So presumably the court that is going to be revoking it is going to be the court that indeed handed out the restitution in the first place.

But I would submit to the gentleman that you could have different judges in the same court. We have that in many

civil proceedings as well as criminal proceedings today in our courtrooms where for one reason or another, maybe a judge retires, maybe a judge is ill, maybe a particular judge is not there and he delegates it to a different one. But it is the same court.

I would submit to the gentleman that I would share his concern, but I really believe the language is very broad and I do not think his fears will come to any real truth is reality.

Nonetheless, I suppose we could always come back and address it. The gentleman would have a right, if he could find a better way of doing it in the amendment process, to deal with it in the amendments that we are about to offer.

Mr. YOUNG of Florida. Mr. Chairman, I rise today in support of H.R. 665, the Victim Restitution Act. This legislation represents title III of the Taking Back Our Streets Act, one of the 10 points of the Republican Contract With America, and begins our efforts here in the House to address our Nation's crime problem.

The bill before us today embodies one of the most fundamental tenants of our Nation's justice system—that criminals pay for the consequences of their crimes. H.R. 665 mandates that those convicted of a Federal crime provide full restitution to their victims for damages caused as a result of the crime. The court may determine the amount of restitution based on the victim's situation and regardless of the economic resources of the criminal.

Mr. Speaker, our Nation faces a crime problem of epidemic proportion. Each year, one in four U.S. households fall victim to violent or property crime. That translates into nearly 5 million victims of murder, rape, robbery, and assault, and 19 million victims of arson, theft, and burglary. According to the Department of Justice, in the past two decades more than 36 million people in the United States were injured as a result of violent crime.

In addition to the physical and emotional costs of these crimes there are substantial economic costs as well. In fact, in 1991 alone, crime against people and households cost an estimated \$19 billion. Each year crime-related injuries force Americans to spend 700,000 days in the hospital. Today's legislation will help the victims of these crimes recoup the costs of these recoveries, and I strongly support its passage.

Mr. LAZIO. Mr. Chairman, every day, career criminals exact an untold cost on American societal and cultural life. When the perpetrator of a crime commits his illegal act, be it an environmental crime, a white collar crime, or a crime of violence, the effect on the victims goes far beyond what the newspaper headlines tell. If the person responsible for injuring the victims goes to prison, he may pay his debt to society. But the victims of the crime are not made whole. There are physical, emotional, and financial costs that are not compensated unless that person brings a civil suit, a long and unpredictable process. Sadly, these individuals are often not paid any monetary restitution for their loss.

Imagine this on a larger scale. Imagine this occurring in towns and cities across our Nation, all those victims of crimes whose lives have been dramatically disrupted by individual crimes. We as a society suffer. Indirectly we all pay these costs of crime in our Nation. "No

[person] is an island \* \* \* every [person] is a piece of the continent."

Presently, Federal courts have discretion to order restitution be paid to victims by offenders. Why not make this a requirement? This is not a radical notion. Although a small step, this measure will ensure that to some extent, there will be compensation for those victimized by Federal crimes. Steps will be taken to make those affected by crime whole again. This bill also prohibits double-dipping, so injured parties will not receive undue compensation. Passing this bill is the least we can do here in Congress to help repair the damage done to peoples' lives by this epidemic of crime.

Mrs. FOWLER. Mr. Chairman, I rise in support of the Victim Restitution Act.

H.R. 665 addresses a fundamental question of fairness. Should victims have to suffer the burden of damages caused by criminals, or should be criminals compensate the victims of their crimes? I believe we must send a clear message that those who commit crimes will not only have to pay their debt to society, but also to those they have wronged.

In Jacksonville, there are two facilities that offer assistance to victims: Hubbard House, which provides a full range of services to victims to domestic violence, and the Victims' Service Center, which provides services to victims of all types of crime. Both facilities are funded by private donations, businesses, and the city of Jacksonville.

I mention these programs because they are excellent examples of local government and business responding to the needs of crime victims. However, these kinds of initiatives are not enough—and it is time for Congress to join the fight and pass H.R. 665.

□ 1400

Mr. MCCOLLUM. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 665

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Victim Restitution Act of 1995".

**SEC. 2. MANDATORY RESTITUTION AND OTHER PROVISIONS.**

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law" and inserting "shall order"; and

(ii) by adding at the end the following: "The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.";

(B) by adding at the end the following:

"(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(B) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and";

(5) in subsection (c) by striking "If the court decides to order restitution under this section, the" and inserting "The";

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

“(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

“(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

“(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

“(A) any Federal civil proceeding; and

“(B) any State civil proceeding, to the extent provided by the law of the State.

“(h) A restitution order shall provide that—

“(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

“(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

“(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restriction order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

“(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

“(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

“(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

“(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

“(k) An order of restitution may be enforced—

“(1) by the United States—

“(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

“(B) in the same manner as a judgment in a civil action; and

“(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

“(1) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.”

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

“(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.”; and

(4) by adding at the end thereof the following new subsection:

“(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.”

The CHAIRMAN. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment, the amendment numbered 1, printed in the February 6 CONGRESSIONAL RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: Page 4, line 24, after the period insert “A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution.”

Mr. SANDERS. Mr. Chairman, this amendment is being offered by myself and members of the Progressive Caucus and I believe should not be controversial. In fact, I believe that it is consistent with the intent of the proposed legislation.

Mr. Chairman, there is no argument about the need for restitution for violent crimes, and I believe that the intent of this legislation is to cover white collar and corporate crime as well. The gentleman from Florida [Mr.

MCCOLLUM] has made that quite clear. The amendment that I am offering simply requires that companies convicted of crimes must notify the victims of those crimes. Convicted companies should be required to notify as best as possible all of their victims.

Let me give an example if I might. Price fixing goes on in America and I think there is no debate about it. We have had circumstances where companies that deliver oil, heating fuel to people's homes are convicted of price fixing, they are charging their customers too much money. It seems to me to be appropriate that if that company is convicted of price fixing, all of the victims, people who have paid more money than they should have, should be notified of that conviction and then again do as they choose to do. And that essentially is what this amendment is about.

I have talked to the majority and I believe that they are not in disagreement with the intent of this amendment.

I yield to the gentleman for a response.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, will the gentleman please repeat the question?

Mr. SANDERS. I was suggesting that we had talked about this issue and that the gentleman is not in disagreement with the intent of the amendment.

Mr. McCOLLUM. The gentleman is quite correct, I am not in disagreement, though I would suggest that we might be able to modify the gentleman's amendment to make it more palatable, because I think there is a question about how an offender would know under the broad language the gentleman has who all his victims are.

MODIFICATION OFFERED BY MR. MCCOLLUM TO THE AMENDMENT OFFERED BY MR. SANDERS

Mr. McCOLLUM. Mr. Chairman, I would like at the appropriate time, if now is the appropriate time, to ask unanimous consent to modify the gentleman's amendment to add at the end of the words, “and where the identity of such victims and other persons can be reasonably determined.”

If the gentleman would concur in that, I ask unanimous consent, Mr. Chairman, that modification be made to this amendment.

Mr. SANDERS. I would concur, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, let me just raise the issue of whether that same shortcoming does not exist under the other language in the bill, that there is a lot to be desired in this bill on the issue of identifying who has been injured and who is entitled to have restitution made to them.

If we are going to address it with respect to corporate defendants, it seems to me that we ought also to be making that language broad enough to cover others.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield on his own reservation?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding. In the case of the victims being determined in the normal course of this, the burden is on the prosecutors in the case to bring forth the evidence and present it to the court. In the case of the Sanders amendment, it is requiring a burden on the offender to determine who his victims are and in some cases that will be very simple. But there is no prosecutor involved here. This is after the fact, he has to notify them after the fact. So the court is not in the process at that juncture, the government is not in the process, and it is all left up to the individual. That is the reason why I believe it is appropriate to give some caveat of reasonableness here so that this person, whoever it may be, is not being asked to do the impossible. Whereas in a case again of the major part of this, if the government cannot show what it is supposed to show, nobody is going to be harmed, and there is no burden on any individual.

Mr. WATT of North Carolina. Further reserving the right to object, and I will not object if the sponsor of the amendment is satisfied, but it seems to me I cannot understand why we are putting corporate defendants in some separate section of the bill as opposed to putting them in with all of the other defendants.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. It is my understanding also they were being put in the bill someplace different from all other defendants.

Mr. MCCOLLUM. If the gentleman will yield, we are not. The gentleman from Vermont's proposal applies equally to noncorporate defendants as to corporate. He simply is providing, as I read it, a very broad interpretation. I think his intent is primarily to get at the corporate, but he actually gets at everybody in this case.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I think it is my time to begin with.

The CHAIRMAN. The gentleman from North Carolina controls the time now on his reservation.

Mr. WATT of North Carolina. I am reserving the right to object, and I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding.

My concern here is to make sure that in what would most likely be a corporate crime, multiple victims are no-

tified. When somebody stabs somebody we know what is going on. If somebody rips off hundreds of people, it is very likely those hundreds of people will not know that they have been ripped off, will not be notified of that, will not have the opportunity to seek redress and that is the purpose of this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Does the gentleman from Vermont [Mr. SANDERS] desire his amendment be modified as proposed by the gentleman from Florida?

Mr. SANDERS. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. MCCOLLUM to the amendment offered by Mr. SANDERS: At the end include "and where the identity of such victims and other persons can be reasonably determined."

The CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. SANDERS, as modified: Page 4, line 24, after the period insert "A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution and where the identity of such victim and other persons can be reasonably determined."

Mr. SANDERS. Mr. Chairman, I have nothing more to add to the discussion, and I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to make it clear that on our side we strongly support the amendment of the gentleman from Vermont and commend the chairman of the majority for accepting a commonsense provision that would make victims of corporate activity able to be notified of their right to appear in court and to state their claims for restitution. I am proud to join in support of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman—it was not long ago when we could go out in the streets and to the parks of our neighborhood and feel perfectly safe. Sadly, that is no longer the case. Now, it is virtually impossible for a day to go by without a headline detailing the newest criminal outrage.

It is time that criminals understand their behavior will not be tolerated. Punishment must be certain, swift, and severe. Until they fear the consequences of being caught, we do not have a chance to win the war on crime.

H.R. 665 the Victim Restitution Act, goes a long way in achieving this goal. It instructs Federal courts to award restitution to crime victims and allows

those courts to order restitution to other people harmed by the criminal's unlawful conduct. Criminals who commit Federal crimes now know they will literally pay a price for their actions. Presently, such restitution is permitted, but not required.

I am especially supportive of this measure because victim restitution is widely considered one of the most effective weapons to help fight violence against women. By requiring full financial restitution, this act required the offender to directly face the harm suffered by his victim by his unlawful actions.

It also strives to provide crime victims with some means of recouping the personal and financial losses resulting from these terrible acts of violence.

I urge my colleagues to support H.R. 665.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS], as modified.

The amendment, as modified, was agreed to.

□ 1410

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mrs. VUCANOVICH) having assumed the chair, Mr. RIGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 665) to control crime by mandatory victim restitution, pursuant to House Resolution 60, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 431, nays, 0, not voting 3, as follows:

[Roll No. 97]

YEAS—431

Abercrombie	Creameans	Hansen
Ackerman	Cubin	Harman
Allard	Cunningham	Hartert
Andrews	Danner	Hastings (FL)
Archer	Davis	Hastings (WA)
Army	de la Garza	Hayes
Bachus	Deal	Hayworth
Baesler	DeFazio	Hefley
Baker (CA)	DeLauro	Hefner
Baker (LA)	DeLay	Heineman
Baldacci	Dellums	Herger
Ballenger	Deutsch	Hilleary
Barcia	Diaz-Balart	Hilliard
Barr	Dickey	Hinchee
Barrett (NE)	Dicks	Hobson
Barrett (WI)	Dingell	Hoekstra
Bartlett	Dixon	Hoke
Barton	Doggett	Holden
Bass	Dooley	Horn
Bateman	Doolittle	Hostettler
Becerra	Dornan	Houghton
Beilenson	Doyle	Hoyer
Bentsen	Dreier	Hunter
Bereuter	Duncan	Hutchinson
Berman	Dunn	Hyde
Bevill	Durbin	Inglis
Bilbray	Edwards	Istook
Bilirakis	Ehlers	Jackson-Lee
Bishop	Ehrlich	Jacobs
Bliley	Emerson	Jefferson
Blute	Engel	Johnson (CT)
Boehlert	English	Johnson (SD)
Boehner	Ensign	Johnson, E. B.
Bonilla	Eshoo	Johnson, Sam
Bonior	Evans	Johnston
Bono	Everett	Jones
Borski	Ewing	Kanjorski
Boucher	Farr	Kaptur
Brewster	Fattah	Kasich
Browder	Fawell	Kelly
Brown (CA)	Fazio	Kennedy (MA)
Brown (FL)	Fields (LA)	Kennedy (RI)
Brown (OH)	Fields (TX)	Kennelly
Brownback	Filner	Kildee
Bryant (TN)	Flake	Kim
Bryant (TX)	Flanagan	King
Bunn	Foglietta	Kingston
Bunning	Foley	Klecicka
Burr	Forbes	Klink
Burton	Ford	Klug
Buyer	Fowler	Knollenberg
Callahan	Fox	Kolbe
Calvert	Frank (MA)	LaFalce
Camp	Franks (CT)	LaHood
Canady	Franks (NJ)	Lantos
Cardin	Frelinghuysen	Largent
Castle	Frisa	Latham
Chabot	Funderburk	LaTourette
Chambliss	Furse	Laughlin
Chapman	Gallegly	Lazio
Chenoweth	Ganske	Leach
Christensen	Gejdenson	Levin
Chrysler	Gekas	Lewis (CA)
Clay	Gephardt	Lewis (GA)
Clayton	Geren	Lewis (KY)
Clement	Gibbons	Lightfoot
Clinger	Gilchrest	Lincoln
Clyburn	Gillmor	Linder
Coble	Gilman	Lipinski
Coburn	Gonzalez	Livingston
Coleman	Goodlatte	LoBiondo
Collins (GA)	Goodling	Lofgren
Collins (IL)	Gordon	Longley
Collins (MI)	Goss	Lowe
Combest	Graham	Lucas
Condit	Green	Luther
Conyers	Greenwood	Maloney
Cooley	Gunderson	Manton
Costello	Gutierrez	Manzullo
Cox	Gutknecht	Markey
Coyne	Hall (OH)	Martinez
Cramer	Hall (TX)	Martini
Crane	Hamilton	Mascara
Crapo	Hancock	Matsui

McCarthy	Pombo	Spratt
McCollum	Pomeroy	Stark
McCreery	Porter	Stearns
McDade	Portman	Stenholm
McDermott	Poshard	Stockman
McHale	Pryce	Stokes
McHugh	Quillen	Studds
McInnis	Quinn	Stump
McIntosh	Radanovich	Stupak
McKeon	Rahall	Talent
McKinney	Ramstad	Tanner
McNulty	Rangel	Tate
Meahan	Reed	Tauzin
Meek	Regula	Taylor (MS)
Menendez	Reynolds	Taylor (NC)
Metcalfe	Richardson	Tejeda
Meyers	Riggs	Thomas
Mfume	Rivers	Thompson
Mica	Roberts	Thornberry
Miller (CA)	Roemer	Thornton
Miller (FL)	Rogers	Thurman
Mineta	Rohrabacher	Tiahrt
Minge	Ros-Lehtinen	Torkildsen
Mink	Rose	Torres
Moakley	Roth	Torricelli
Molinari	Roukema	Towns
Mollohan	Roybal-Allard	Trafficant
Diaz-Balart	Royce	Tucker
Montgomery	Rush	Upton
Moorhead	Moran	Velazquez
Moran	Salmon	Vento
Morella	Salmon	Visclosky
Murtha	Sanders	Volkmmer
Myers	Sanford	Vucanovich
Myrick	Sawyer	Waldholtz
Nadler	Saxton	Walker
Neal	Scarborough	Walsh
Nethercutt	Schaefer	Wamp
Neumann	Schiff	Ward
Ney	Schroeder	Waters
Norwood	Schumer	Watt (NC)
Nussle	Scott	Watts (OK)
Oberstar	Seastrand	Waxman
Obey	Sensenbrenner	Weldon (FL)
Olver	Serrano	Weldon (PA)
Ortiz	Shadegg	Weller
Orton	Shaw	White
Owens	Shays	Whitfield
Oxley	Shuster	Wicker
Packard	Sisisky	Williams
Pallone	Skaggs	Wise
Parker	Skeen	Wolf
Pastor	Skelton	Woolsey
Paxon	Slaughter	Wyden
Payne (NJ)	Smith (MI)	Wynn
Payne (VA)	Smith (NJ)	Young (AK)
Pelosi	Smith (TX)	Young (FL)
Peterson (FL)	Smith (WA)	Zeliff
Peterson (MN)	Solomon	Zimmer
Petri	Souder	
Pickett	Spence	

NOT VOTING—3

Frost	Wilson	Yates
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□ 1432

Mr. BURR changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXCLUSIONARY RULE REFORM ACT OF 1995

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 61 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 61

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 666) to control crime by exclusionary rule reform. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill

and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSEN] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 61 is an open rule providing for the consideration of H.R. 666, legislation to control crime by means of reforming the exclusionary rule.

This rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Judiciary Committee, after which time any Member will have the opportunity to offer an amendment to the bill under the 5-minute rule. Finally, the rule provides for one motion to recommit, with or without instructions.

As with the rule for H.R. 665, which we recently debated, this rule also includes a provision allowing the Chairman of the Committee of the Whole to give priority in recognition to Members who have printed their amendments in the CONGRESSIONAL RECORD prior to their consideration.

I feel that this option of pre-printing is a common courtesy that enables Members to see what amendments their colleagues may be offering. Any Member's amendment, pre-printed or not, will still have the opportunity to be offered and heard on its merits.

Mr. Speaker, the fourth amendment to the Constitution provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated \* \* \*

The Founding Fathers did not provide that law enforcement officers could not rely on their common sense and reasonable judgment to fight crime. But, that is what has happened

unfortunately in our society. Something is profoundly wrong when, in a State where 2 license plates on automobiles are required, a policeman stops a car with only one plate, finds 240 pounds of cocaine in the car, and the evidence is thrown out—excluded under the “exclusionary rule”—because the judge says that the car was registered in a State that only issues one license plate. Who gets hurt when that drug dealer walks? The police officer? No, the children of that community, the people, society gets hurt.

In 1984, in *United States versus Leon*, the Supreme Court created the good faith exception to the exclusionary rule. In *Leon*, the Court held that even if a search warrant was ultimately held to be invalid, the evidence gathered by police using that warrant could be permitted at trial, so long as the prosecution could demonstrate that the police believed, in good faith, at the time of the search, that the warrant was valid. The Court stated that since the exclusionary rule had been created to deter law enforcement officials from violating the fourth amendment, excluding evidence gathered by those who believed in good faith that they were acting in accordance with the Constitution served no legitimate purpose.

H.R. 666 would limit the effect of the exclusionary rule, and give Federal judges more latitude to admit evidence seized from those accused of crimes, so long as the search and seizure in question took place under circumstances providing the law enforcement officer conducting the search with an objectively reasonable belief that his actions were in fact lawful and constitutional. Moreover, H.R. 666 establishes a shift in the burden of proof. If a search is conducted within the scope of a warrant, the defendant will have the burden of providing that the law enforcement officer could not have reasonably believed that he was acting in conformity with the fourth amendment.

H.R. 666 builds upon *Leon* by codifying its holding. A Federal judge may still suppress evidence if it was seized in knowing or negligent violation of the Constitution.

Evidence gathered in violation of any statute, administrative rule or regulation, or rule of procedure would be admissible unless a statute specifically authorizes exclusion of evidence. But, the good faith exception would apply and may render such evidence usable.

Mr. Speaker, I strongly support the Exclusionary Rule Reform Act of 1995 and urge adoption of this open rule for its consideration.

□ 1440

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I appreciate my colleague's, the gentleman from Florida [Mr. DIAZ-BALART], yielding the customary 30 minutes of debate time to me, and I yield myself such time as I may consume.

House Resolution 61, the provisions of which the gentleman from Florida

has well explained, is an open rule. I support it, and I urge my colleagues to do the same.

I am, However, as are others, concerned about the wisdom of the provisions of H.R. 666, the bill for which this rule has been granted. As my colleagues on the Judiciary Committee have written, H.R. 666 “commits affirmative harm to the Constitution.”

It breaks our Constitution's promise, as expressed in the fourth amendment, and which has been maintained for over 200 years, that all Americans have the right to be protected from arbitrary and unfounded governmental invasions of their homes.

The protections of the fourth amendment have been enforced through the exclusionary rule, which prohibits prosecutors from using evidence in criminal cases that has been obtained in violation of the constitutional guarantee against unreasonable searches and seizures.

We should not only question the provisions of H.R. 666 which allow the use of evidence obtained without a warrant as going beyond permissible police search and seizure powers, but we must also question whether Congress has the power to change the exclusionary rule by simple legislation rather than by a constitutional amendment. Along with many of my colleagues, Mr. Speaker, I am confident that the constitutionality of H.R. 666 will be challenged and, I suspect, successfully.

We have to be particularly careful when we deal with an issue as highly charged and emotional as crime to legislate with as much thoughtfulness and as much care as possible. That is especially true in cases such as this when changing the law necessarily raises questions of abridging constitutional protections that were adopted with good cause to protect the innocent.

I fear that in our desire to prove to our constituents that we are not soft on crime we have forgotten that certain procedures such as the exclusionary rule were instituted to protect the innocent—in this case, those who may be subjected to illegal searches and seizures.

Because of these very serious problems with the provisions of H.R. 666, I am pleased, as are Members on our side, that the majority on the Committee on Rules has recommended this open rule.

Mr. Speaker, to repeat, while I have strong and serious reservations about H.R. 666, and even about our considering it as written, I support the rule and urge my colleagues to do the same.

Mr. Speaker, we have no requests for time, and I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to my good friend and colleague from the Committee on Rules, the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from Florida for yielding time to me so I may have the opportunity to address the floor for a couple of minutes.

First of all, I think it is appropriate once again to address the fact that this is going to be a very controversial bill. We are going to have some very interesting debate on both sides of the aisle, and I think it should be highlighted that the chairman of the Rules Committee chose that an open rule would be appropriate.

In the last couple of weeks I have heard some comments about “Gee, we see the open rule really when it is a noncontroversial bill.” Well, today is a good example of when we have a controversial bill and we see an open rule through the Speaker of the House and through the chairman of the Rules Committee. I think that fact should be noted.

Let us talk about the substance of the bill. Obviously, the substance of the exclusionary rule, I think, has merit and will prove to be constitutional in a court of law. Every time we pass some kind of criminal statute in these chambers they are always challenged on a constitutional basis. A defense lawyer's job is to challenge it in any way he can. But I am confident that the constitutionality of the good faith exception to the exclusionary rule will be upheld.

What is the exclusionary rule? We have a lot of people today, perhaps some who are observing this action, who do not understand what we mean by an exclusionary rule. Very simply, let me explain it in this way:

I used to be a police officer, and let us say that I stopped someone incorrectly and in the process of that error in judgment in stopping, say, a motor vehicle, I confiscated or found evidence that led to charges being filed against a defendant. Then the court could come in and say that because of my error of judgment in stopping the person, they are going to exclude any evidence or any fruits of my search that resulted because of my improper stopping.

I think the gentleman from Florida gave an excellent example in that particular case. I do not want to be repetitive, but I think it is important. In that particular case a police officer stopped a car; the car only had to have one license plate. The police officer was in error. He thought the car required two license plates. So when he stopped the car, he was in error. But in the process of going up and checking the driver's license, he noticed in the back seat of the car a certain amount of cocaine. I think there were 240 pounds of cocaine there. The court threw out the cocaine as evidence in the criminal trial because the officer improperly stopped the person for missing a license plate.

Now, there is not a person on the Main Street of America who would agree with that finding, and there is not a person on the Main Street of

America, other than defense attorneys, who is not going to say that we should have a good faith exception to the exclusionary rule.

So, Mr. Speaker, I commend the gentleman from Florida for the open rule that he has helped to facilitate. I think the substance of the issue is on our side. I think we are going to have bipartisan support, and I predict the bill will pass.

Mr. BEILENSEN. Mr. Speaker, we have no requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I grant such time as he may consume to the distinguished gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I would like to congratulate him on his management of the rule. It is really quite easy to manage an open rule. It has always been somewhat of a challenge to take on what is known as a restrictive rule.

My friend from Woodland Hills raised some very valid questions about the exclusionary rule, and I think that as we look at this legislation, it is going to be considered under a process that will allow amendments to be offered and debated. We will be able to discuss it openly here, as was the case in the Committee on the Judiciary and as were the case when we heard testimony from the chairman and the ranking minority member of that committee.

So basically the institution will be able to work its will on this legislation. Some will vote for it, some will vote against it, and I hope very much we will be able to see the House overwhelmingly pass this open rule and move ahead with this critically important legislation.

□ 1450

Mr. DIAZ-BALART. Mr. Speaker, at this time, again commending Chairman SOLOMON and all of the members of the Committee on Rules for bringing forth this very important piece of legislation, with the opportunity of all Members of this House to bring forth all amendments they wish to be considered on behalf of their constituents, I yield back the balance of my time, and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CUNNINGHAM). Pursuant to House Resolution 61 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 666.

□ 1451

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 666) to con-

trol crime by exclusionary rule reform, with Mr. HOBSON, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering the exclusionary rule exception called the good faith exception. It is perhaps of all of those things we are considering today the one that has as much import as any that we will consider in the whole series of crime legislation over the next week. It is one which will break down some of the barriers that many have been waiting for us to do for a long time and allow more evidence to come in in search and seizure cases in order that we may get more convictions and not have people get off on technicalities.

The public is tired of people getting off on technicalities. We want to see those who have committed the crimes that they have committed be prosecuted, convicted, sentenced and put away for a reasonable period of time; of course, in the case of violent crimes, for a very long period of time.

The problem has been in part because the courts a few years ago decided to carve out a so-called exclusionary rule to protect us as citizenry from unwarranted intrusions into our constitutional rights of privacy and freedom from search and seizure in terms of police officers committing those kinds of intrusions.

The court thought in its infinite wisdom in this process of creating this rule a few years ago of excluding evidence that is gotten from illegal searches and seizures by police that we could deter the police officers from making those kinds of decisions that would violate our rights, and the courts felt that this was the only way they could go about making sure that the constitutional protections were honored by the police around the country.

Well, obviously when the police do not intend to violate your rights, when it is done without any kind of malice or forethought on their part, there is no deterrent effect. The rule does not have any meaning in the sense that it was intended to be in those kinds of situations.

So a few years ago the U.S. Supreme Court said that in cases where there are search warrants, there can be certain exceptions called the good faith exception, in common parlance, to this rule of procedure and that we will then let evidence in and allow convictions to take place.

Unfortunately, the Court did not rule in the non-search-warrant cases where there are other rights that police have in those cases to go in and do certain searches and seizures, so we have had a lot of litigation going on around the country and many questions raised in various Federal circuits as to whether or not evidence in admissible with a good faith exception in non-search-warrant cases.

That is what brings us here today. The proposal before us would carve out this good faith exception and broaden it to include not just cases that involve search warrants, but involve all of the cases of search and seizure where the police officer acted as we call it in good faith.

Now, specifically the bill would provide for an exception to the rule in situations where law enforcement officers obtained evidence improperly, yet do so in the objectively reasonable belief that their actions comply with the protection of the fourth amendment to the Constitution.

It is the role of Congress to determine the rules of evidence and procedure that apply in Federal courts. In drafting these rules, we should strive to ensure that unreliable evidence is excluded from the finder of fact, but that trustworthy evidence is not excluded. It should be our guiding principle that evidence of truth should be admissible in a court of law as often as possible.

The exclusionary rule, as I stated earlier, is a judicially crafted rule of evidence that prevents evidence of the truth from being admitted into evidence at trial. The rationale of this rule is excluding truthful evidence obtained in violation of our Constitution will discourage law enforcement officials from acting improperly. Of course, in some cases application of this rule allows guilty persons to go free because truthful evidence is excluded from their trial.

In 1984, the U.S. Supreme Court decided in the Leon case that evidence gathered pursuant to a search warrant that proved to be invalid under the fourth amendment could nevertheless be used at trial if the prosecution demonstrated that the law enforcement officials who gathered the evidence did so under an objectively reasonable belief that their actions were proper. This bill codifies the so-called good faith exception of that case.

H.R. 666 also expands the good faith exception to situations where law enforcement officials improperly gather evidence without a warrant, yet still have acted with the objectively reasonable belief that their actions are proper.

Specifically H.R. 666 provides that evidence obtained through a search or seizure that is asserted to have been in violation of the fourth amendment will still be admissible in Federal Court if the persons gathering the evidence did

so in the objectively reasonable belief that their actions were in conformity with the fourth amendment. The bill makes it clear that it is the Federal judge who will determine whether the persons who gathered the evidence were reasonable in believing that their actions were appropriate under the circumstances.

Mr. Chairman, I wish to point out that the standard that the judge is to apply is an objective one. It does not involve an inquiry into the subjective intent of the law enforcement officials. In other words, just because a law enforcement official thought he or she was acting in proper fashion is not enough. The bill requires that a detached Federal judge view that mistake to have been reasonable.

The bill also provides that the exclusionary rule shall not be used to exclude evidence that may have been gathered in violation of a statute, administrative rule or regulation, or a rule of procedure; that is, where no constitutional violation is asserted. Congress could still authorize exclusion of this type of evidence by passing a statute or procedural rule that specifically authorized the exclusion of that evidence. Even in that situation, however, the evidence in question would still not be admitted if the Court found that the persons who gathered the evidence did so in the objectively reasonable belief that their actions were proper.

Mr. Chairman, this bill does not limit the fourth amendment, nor does it reverse any Supreme Court precedent. This bill simply codifies the principles of the Leon holding and applies it to similar situations, ones that have yet to be presented to the Supreme Court for review. It is appropriate for Congress to determine by statute the evidentiary procedures that will be used in Federal courts. H.R. 666 does exactly that.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, this is an exceedingly important debate, one that I feel very privileged to be the ranking member on the Democratic side to advance, because we are now talking about a part of the so-called Contract With America that now inflicts affirmative harm to the Constitution. This so-called Exclusionary Rule Reform Act of 1995 attempts to keep its promise made in the Contract With America by eradicating our Constitution's higher covenant with the American people that it has maintained for over 200 years.

□ 1500

Let us review the exclusionary rule. Started in 1914 by court decision that made no exceptions but applies only to the Federal jurisdiction, it rolled along

without event until 1961, when Mapp versus Ohio then created another exception that included States as well as Federal in the application of the exclusionary rule. Then in the 1970's came two very, very important additional modifications: the plain-view doctrine, which allowed that evidence or activity going on in plain view of the officers was a reason that one would not have to go to the magistrate to get a warrant; then came the exigent-circumstances doctrine, which rationally concluded that evidence that was either in danger of being destroyed or eliminated or that put the officers at great bodily risk were also exceptions to the exclusionary rule that had been created.

Notice that all of these modifications were positive and supportable for those of us, like me, who view this constitutional protection to be absolutely important. And then in 1981 came Leon versus the United States that created yet another reception, in which it dictated through the Supreme Court majority, incidentally, a Republican Supreme Court, that if good faith was used by the officer in seeking a warrant and that for reasons unknown to him at that time the warrant was invalid or defective, that the exclusionary rule would not be obtained and the evidence would be admissible into court anyway.

And so today we meet here with our new majority, which are here to tell us that we are now going to codify the Leon case and make it merely a continuing part of the exclusions to the exclusionary rule that I have just recited.

Well, my colleagues, this is not a codification of Leon versus the United States. I want to repeat that one more time. This bill before us, H.R. 666, is not a codification of Leon versus United States. For anyone who looks at the case will find that in Leon the officers sought and were given a warrant. They went to a magistrate and got a warrant. It turned out later that it was not a good one, and Leon said that even so, if the officer in good faith went to get a warrant and got one that was subsequently invalid for any reason, then he would be held, the evidence would be admissible and he would be held to have been operating in good faith.

But the measure before us does not do that. The measure before us now permits the officer to declare on his own that he believes that he is operating in good faith, having not ever gone to a magistrate.

My friends in the Committee on the Judiciary are now suggesting that this is a codification of Leon. Well, I suggest that anyone in or out of law school examining the Leon case will quickly come to the conclusion that this is not the case at all, and I think it makes a very important argument.

What we are doing is going far, far beyond Leon and are moving now to dispense with the exclusionary rule in its entirety.

What we are saying now is that law officers, Federal or local, that operate on their perception that they are operating in good faith will now be let off beyond the purview of the exclusionary rule. I think that this is the most dangerous damage and harm that we could work to a rule that has been a part of our Constitution for 200 years. I suggest to my colleagues that the amendment that I will offer is the only codification of Leon.

What we will do is codify Leon by saying where a warrant turns out to be invalid or defective, given by a magistrate to a police officer who operates on the basis that he had a perfectly legal document, that he will be excused and his evidence will be allowed to be offered. Nothing more. And it is on that basis that I want everyone to realize that this is far more than codification. It is a complete wiping out of the exclusionary rule as we have known it throughout American history.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself 30 seconds.

I would just like to comment on the fact that this bill does not in any way, as the gentleman from Michigan, implied, allow for a court to look into the mind of the police officer and make a subjective determination or base its determination on the thought pattern of the police officer. It is an objectively reasonable standard.

We would never want to do what the gentleman suggested. I suppose that is the subject of the debate here, but is the way the wording of the statute is written.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding time to me.

I just want to disagree with my good friend, the gentleman from Michigan [Mr. CONYERS].

The exclusionary rule is not wiped out. It is changed from the way it is presently administered. But if the evidence is offered and an unreasonable search and seizure has been made that was not in good faith, I am sure the exclusionary rule in all its glory will be enforced. This does no violence to the fourth amendment.

The exclusionary rule is judge-made. It was not made by this Congress. It is a rule the judges thought up to deter the policeman from making unreasonable searches and seizures. And their idea of deterring that was just not to admit the evidence.

What happens is, the policeman is not punished. He walks out of the courtroom and the accused walks out of the courtroom. And the evidence of his or her guilt is suppressed. The people who lose on that one, the victims,

still end up with the dirty end of the stick. So this does not codify Leon.

I agree with the gentleman from Michigan [Mr. CONYERS]. It codifies the principle of Leon, which applies to warrants and may well apply to warrantless searches.

If the search was done in good faith, as determined by the court, not by the policeman, by an objectively reasonable standard, then the evidence, the heroin that they got in the trunk of the car, gets admitted, not suppressed. And the judge makes that judgment.

Yes, this is a change in emphasis. Heretofore in criminal law, the rights of the criminal, the rights of the accused have been paramount. In the last bill we suddenly awoke to the fact that victims have rights and are entitled to restitution, regardless of the financial solvency or insolvency of the criminal.

Now we are saying, with Justice Cardozo, who famously pronounced that a trial should be a search for the guilt or innocence of the accused, not a determination as to whether the constable blundered, if constables are going to blunder, then punish the constables, but do not suppress the evidence.

The public out there is also an important factor in this equation. I hope this bill passes unamended, and I thank the gentleman again for yielding time to me.

□ 1510

Mr. CONYERS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I am reminded by my colleagues on the other side not to worry about what we are doing here today, that we are merely changing law that was made by the courts.

However, Mr. Chairman, the Supreme Court can make the laws of the land unless we modify them. That is how the whole exclusionary rule came into the law. Therefore, let us not put some pejorative effect on Supreme Court law. Thank goodness they came up with the exclusion.

The gentleman from Illinois [Mr. HYDE] says "Don't worry, the courts will eventually catch up with illegal actions," but that, again, is not the point. What we are saying is that illegally seized evidence should not be part of a trial.

We are not saying that people should walk out of courts. If you can make a case legally, fine. If you cannot make a case legally, that is precisely why the fourth amendment has been here for 200 years.

Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER], the former chairman of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Chairman, I would like to make a few points about this.

Mr. Chairman, I rise in opposition to H.R. 666, which is appropriately numbered. Let me say, Mr. Chairman, that

there are two points I guess I would make here. The first is, there have been many instances where judges, defense lawyers, and others have hung on technicalities, and it seems, when we hear the result, that the technical change is overruling common good sense and what is good for the people of this country. That has happened, basically, in search warrant cases.

However, I must say that the Supreme Court in the Leon case dealt with that issue and dealt with it well. They said "When you get a warrant and the warrant is technically deficient, for some reason that is no one's fault and there was no real attempt to make that warrant technically deficient, we will allow the evidence to be admitted, the seized evidence to be admitted."

That is a good decision. It was done by a very conservative court, and it makes a good deal of sense.

However, Mr. Chairman, what the other side wants us to do now is take the rule of good faith and extend it to warrantless searches. That is taking what Leon did, which was a change that was needed, and falsely extending that logic to an area where there is no place for it.

Most Americans, Mr. Chairman, feel very strongly that police officers should not be allowed, unless there are exceptions, emergencies, in plain view, and there are lots of exceptions to the exclusionary rule, should not be allowed to knock on the door of their house and enter and search and seize. That is one of our more fundamental rights, just like free speech and freedom of religion.

Mr. Chairman, to undo that when, first of all, the evidence is that there are very few cases where this would apply that this would make a difference, as I heard the two gentleman from Florida get up and talk about cases with automobiles, I would remind my colleagues, we are not talking about automobiles here, because there is a much more lenient standard under the Terry case for automobiles. We are talking about people's homes. In that situation, we find almost no egregious cases.

Mr. Chairman, when we talk to law enforcement people, they indicate that they think that they can live with this.

I guess my first point, Mr. Chairman, and let me sum up that one here, to fix technicalities is one thing. To avoid getting a warrant altogether when there are none of the recognized exceptions, I think if that happens, Americans are going to shudder, including Americans like myself who are very much afraid of crime, and Americans like myself who think that in many instances the pendulum has swung too far for individual rights and against societal rights.

The second point, Mr. Chairman, that I would make, that is equally relevant, is that when I learned about the exclusionary rule in law school I scratched my head. I said "This doesn't quite

fit." A law enforcement officer steps over the line, and we punish them by not allowing what might well be good evidence. It does not fit.

As I learned more and more about it, both in law school and afterwards, there was one major problem with the logic of those who say it does not fit and we should repeal it. They do not come up with a good alternative. That is the problem.

The only alternative I have seen proposed in the law books, et cetera, is to punish the police officer. That side is not going to vote for that. This side is not going to vote for that. Our police officers, God knows, have enough burdens on them that we are not going to punish them when they go over a line.

Mr. HYDE. Mr. Chairman, would the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, does the gentleman think suppressing the evidence punishes the policeman who had made an unreasonable search?

Mr. SCHUMER. No, Mr. Chairman, I do not.

Mr. HYDE. Mr. Chairman, if the gentleman will yield further, I am just saying the present exclusionary rule does not accomplish anything but let the accused go free.

Mr. SCHUMER. Reclaiming my time, Mr. Chairman, what I would say to the gentleman, the one thing it does accomplish is that there is care before making a search of one's home. I would like there to be a better way to create that level of care, Mr. Chairman. I agree with the gentleman. However, the gentleman has not shown it.

What the gentleman has shown in his amendment, or what H.R. 666 does, which is not the gentleman's amendment, there is no alternative standard proposed. There is simply something that says "If you are in good faith, you do not need a warrant." To me that crosses the line we ought not to cross.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in support of H.R. 666.

First of all, Mr. Chairman, I have to point out, with respect to that statement that the exclusionary rule has applied within the courts of the United States of America as a congressional doctrine for all 200 years plus of our existence, that that is incorrect.

The exclusionary rule was first, I believe, announced in Federal court in Federal cases in 1914. It was not applied to the States, at least not through Federal doctrine, until all the way to 1961.

However, I want to say that I do support the broad purpose of the exclusionary rule. I think, as the Supreme Court said in *Mapp versus Ohio*, cited by the gentleman from Michigan, that the exclusionary rule was a necessary device to encourage police officers not

to flagrantly disregard the Constitution of the United States, and in particular the 4th and 14th amendments to the Constitution of the United States, in terms of their search and seizure practices.

I think the exclusionary rule, even though it is opposed by some, I think implied in some of the remarks we have already heard, because it does represent a fact that evidence sometimes is not allowed in cases, is still an important device in terms of protecting constitutional rights. If there were a bill, if there were a bill that proposed to totally eliminate the exclusionary rule completely, I would not support it.

However, that is not what it does. What it does is broaden the exception already announced by the U.S. Supreme Court for a good-faith error in terms of search and seizure.

The whole purpose of the exclusionary rule, and it is a rule, it is not in the Constitution itself—one cannot find it in the Constitution—the whole purpose of this rule is to encourage officers to observe our rights under the fourth amendment in terms of their putting together criminal cases.

Again, I have said I agree with that. The penalty, of course, the deterrence intended, is evidence cannot be used if officers deliberately or for any reason, as of right now, violate the fourth amendment.

The point is, Mr. Chairman, this rule makes sense in terms of encouraging officers to comply with the fourth amendment to the best of their ability. It makes no sense—it makes no sense under the theory of the exclusionary rule—to exclude evidence from a court where an officer has acted in good faith; that is, has acted on an objectively reasonable standard and in the belief that the search was legal.

I can recall, Mr. Chairman, during the years when I was general counsel for the Albuquerque Police Department, and also when I was district attorney of the Albuquerque area, that certain areas of search and seizure without a warrant were changing so rapidly in court decisions that it was hard to even advise the police officers what the standards were.

□ 1520

It seems to me that it accomplishes nothing to exclude evidence in a particular case where an officer has seized that evidence and later a court says this was in fact a good faith error but was an error when that officer has to try to be a lawyer out on the street. It seems to me that the purpose of the exclusionary rule is not accomplished when an officer in good faith, under the standards announced here in objectively reasonable good faith, makes an error.

That is the reason why I support H.R. 666. It is true that "objectively reasonable" has to be determined in each case, but that is no different than the fact that probable cause has to be determined in each case. It is no different than the fact that the term "beyond a

reasonable doubt" must be determined in each case. The legal system has handled that in the past on a case-by-case basis and, I am confident, is capable of doing so in the future.

For that reason, I urge passage of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, to the gentleman from Illinois [Mr. HYDE], our chairman, I would have him remember that the exclusionary rule was put in place to make sure that the police behave rather than allowing "anything goes," and then we have years later a court decision that finds out that they did not conduct themselves in the manner that they should. That is the importance of the exclusionary rule.

Mr. Chairman, to my friend from Arizona who said we want an objectively reasonable standard, but not the police officer's objectively reasonable standard. We want the magistrate's objectively reasonable standard at the front end. We do not want policemen applying court doctrine unilaterally.

Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. WATT], a member of the committee.

Mr. WATT of North Carolina. I thank the gentleman for yielding me the time.

Mr. Chairman, I am beginning to wonder what happens when the Republicans' 1995 political contract comes into conflict with the people's 1791 contract with the American people, the Constitution.

I thought the conservative approach was to uphold the people's contract under all circumstances. What I have found recently is that the Republicans are not willing to be conservative in their approach. They talk about being conservative but when it comes time to be conservative, they throw the most conservative document in the world out the window.

When the Constitution conflicts with their beliefs, they are willing to either violate it or amend it, because they think they are smarter than the Founding Fathers of this country were.

The 1791 contract leaves no equivocation. It says the right of the people to be secure in their persons, houses, papers, and so on shall not be violated. It does not say if we find some objectively reasonable standard, we will violate it. It says "shall not be violated." "No warrant should issue but upon probable cause." It does not say probable cause if there is some objective belief that there was probable cause. It says "probable cause." Yet here we are trying to undermine that document.

Since 1791 when this fourth amendment was put into the Constitution, there has been litigation. Case after case after case we have litigated what this fourth amendment means. Notwithstanding that, what did they come back with? Some more language, objec-

tively reasonable standard, that we will have to litigate for 200 more years before we find out what it means.

Mr. Chairman, this makes no sense. The gentleman from New Mexico [Mr. SCHIFF] says it is not in the Constitution. I beg to differ with him. My Constitution says, "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated."

Nobody can tell me that there is any objectively reasonable standard in this Constitution. It says "shall not be violated." And here we are, claiming that we are conservatives and all the while treading on the most conservative document we have in this country, treading on the rights of the people.

This document was not written for the protection of the guilty. This document was written for the protection of the innocent. They can tell me all they want that only 1 percent or 2 percent of the cases that come up under this amendment are won by the defendant. Those are the people that this language was designed to protect.

If we believe in the Constitution, we will leave it exactly like it is. In fact, we will vote for the amendment I plan to offer when the time for amendment comes on this bill.

Mr. SCHIFF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the exclusionary rule is what is not in the Constitution. It was not imposed upon the States as a mandatory Federal doctrine until the year 1961. And somehow the Republic made it all that way from the 18th century until 1961 without the exclusionary rule. Nevertheless, I support it as enunciated in the case Mapp versus Ohio and the circumstances they were talking about, an outrageous ignorance of following constitutional prescription, and the reason they imposed it on the States. But it makes no sense to impose it in a situation where an officer is in objective good faith.

Although the last speaker said we should not change anything, the Supreme Court has already made a modification in the exclusionary rule by allowing this very good faith exception in the case where a warrant is obtained by police officers and the warrant is later held to be invalid, and that has not caused a wholesale violation of constitutional rights through that exception.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEINEMAN].

Mr. HEINEMAN. I thank the gentleman for yielding me the time.

Mr. Chairman, we hear the talk about the exclusionary rule, and I do not think we have had much dialog about the warrant search, the search under the authority of a warrant, other than having Leon explain to us on two occasions. What we are really talking about is we are really talking about the warrantless search. Leon did not

speak to the warrantless search, but warrantless search is basically what this exclusionary rules points up. Warrantless searches are searches performed by police officers at the scenes of a provocation, so to speak, a situation where the exigencies of the service require a police officer to act.

Police officers do not have with them the luxury of a law library to look up in the library as to what is legal and what is illegal. They have their own instincts, they have their own practices, and they have their own good common sense. Nor do they have a boardroom to caucus their contemplated actions before making an arrest or a search. They have to again rely on their experience and precedent.

Of course we can talk about officers in 1910 or we could talk about officers in 1995, the training and those that are not trained. I submit that officers in 1995 are better trained than officers at any other time in the history of law enforcement in this country.

□ 1530

But it all comes down to an arrest and evidence being seized and it all comes down to the courtroom where defendants have a right to an attorney present. Those attorneys, if they are worth their salt, and in Federal cases and I have great respect for Federal attorneys and people that ply their wares in Federal court and the judges, at that point the attorneys have an obligation to make a motion to suppress, a motion to suppress the evidence that was seized, and the attorney, and if he does not do that, then that is something else, then that is another motion to make to get rid of the attorney.

But the judges present, listening to the probable cause that was offered by the police officer that generated his action, will make a determination as to whether to suppress that evidence or not to suppress the evidence. And if that evidence was not seized under probable cause, then I am sure that the evidence will be suppressed.

If it was not, if the evidence, if the probable cause that was laid before the judge would have been probable cause to issue a warrant, then the judge has an obligation not to suppress that evidence, and I think that the Constitution, yes, the Constitution which gives the right of the people to be secure in their persons, protects the victim.

We are not talking about specifically protecting the criminal, we are talking about in this day and age protecting the victims of crime. And I as a citizen, and I 2 months ago was a citizen, not a legislator, I want to know that the courts, I want to know that the Constitution, I want to know that law enforcement is out to protect me, because determination of the evidence seized and suppressed has to go to someplace. And if it is a pound of cocaine or if it is a gun in a room or whatever, it is going to come down to the citizens of this country one way or another.

I am for law enforcement officers and I urge the passage of the exclusionary rule, H.R. 666.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

The right of persons to be secure in houses, papers and effects against unreasonable searches and seizures shall not be violated, the fourth amendment to the Constitution of the United States.

Today we are told it is an inconvenience, it is in the way of the police, it did not apply to the States until 1961 anyway. It is the Bill of Rights, and every Member comes to this floor every day and pledges allegiance to that Constitution and has sworn an oath to it.

It is not always going to be convenient and sometimes it is going to cause problems. And yes, I say to the gentleman from New Mexico [Mr. SCHIFF], it did not apply to the States in these cases until 1961.

But the Supreme Court of the United States, the people of this country, had decided in each generation, in each decade to expand its powers, because for 200 years we have understood that the principal danger to the freedom of the people of this country was expanding Government power. For 200 years we have understood the very cause of our revolution, that we wanted to be secure in our homes, that we feared the criminal and lawlessness, but we also feared a government so content in its own powers that it would enter our own homes and violate our own rights.

It is a great irony that a new conservatism, believing that government robs people of their freedom, believing in the right and the sanctity of private property, would now cause a new exclusion, the exclusion of the right of the person to be free of government power.

It is, of course, worth noting that many of those things that we are told that need to be protected for law enforcement are already protected. A fleeing felon, the police can already enter under the fourth amendment. The destruction of evidence, the police can already enter under the fourth amendment. The possibility of escape, the police can already enter under the fourth amendment.

Indeed, the very things the police need for practical law enforcement for the dangers of our times are already protected. We achieve nothing but lowering the standard that we apply to law enforcement, a standard which will be lowered and lowered if this measure succeeds.

My colleagues, we must make compromises, but if today we violate the fourth amendment, then the criminals have already won. Our Constitution will have been compromised.

Mr. SCHIFF. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we are really talking here today not about thousands upon thousands of court decisions, not about tens of thousands of pages of court documents, but about two documents, the Constitution of the United States of America, and H.R. 666.

Is it not interesting, Mr. Chairman, that both of these documents talk about reasonableness? They complement each other, they are not antagonistic, they do not fight with each other as the other side would have us believe they are doing here today. We are simply taking that standard of reasonableness embodied in this document, the Constitution of the United States, which includes the word "reasonable," which many Members on the other side conveniently disregard in their quotations from the Constitution, the fourth amendment today as does H.R. 666.

We are not saying we do not believe in the Constitution. No Member on this side of the aisle needs to allow those on the other side of the aisle impugn our motives or with regard to the Constitution of the United States of America. What we are talking about here today, Mr. Chairman, is strengthening that document and saying we pay attention to the entire document, including that language which says in the preamble:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.

Mr. Chairman, today that preamble, the ability of our Constitution is in danger, it is in danger because we have drifted, drifted through decisions over the years that do not pay attention to the specific wording of the fourth amendment.

This bill today, H.R. 666, gets us back to the root, the heart of what our Constitution was intended to do, and that is to apply a reasonable standard to protect all people, including those of us who may be victims of crime, those of us such as myself as a former U.S. attorney who seek to promote and protect the welfare as well as the rights of the accused.

Mr. Chairman, I rise today in strong support of H.R. 666 which supports our Constitution, which follows in recent cases and says that, yes, to the people of the United States, reasonableness, as embodied in our Constitution but has been forgotten in recent years, is there, should be there. And this proposed statute that we are debating today simply contradicts that and says to the people of this country who spoke very loudly on November 8 that yes, we want our Constitution, but we want it to apply with reasonableness to our police officers who are there to protect

the good and to carry out this great document.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

(Mr. VOLKMER asked and was given permission to revise and extend his remarks.)

□ 1540

Mr. VOLKMER. Mr. Chairman, I just want to alert the Members that I will be having an amendment to this bill that would exempt the Bureau of Alcohol, Tobacco and Firearms agencies from the provisions of this bill.

BATF has been the biggest rogue, Rambo outfit that has taken guns away from innocent people, and this will permit them to break into houses, break into business houses, without a warrant. It is bad enough now with a warrant.

The gentleman from Georgia talked a minute ago about the fourth amendment. Well, he had better start looking at the second amendment, because this bill, as it is written right now, lets BATF, if somebody tells somebody, "Hey, that guy has got an illegal gun down there in his house," they can go in and bust the door down and get it. If it is not there, they just say, "Tough luck, buddy," just like they have said to many people in this country. I have fought BATF since the 1970's since I first came here. What do you think happened at Waco? Who was that? What happened in Idaho? Who was that?

Mr. SCHIFF. Mr. Chairman, I yield myself 1 minute.

I just want to respond and point out that if any agency breaks down a door looking for evidence and it is not there and they say, "tough luck," that is true under the exclusionary rule today. The exclusionary rule only applies if something illegal is in fact found.

One of its detriments is the fact it offers by itself no protection in those situations where someone, an innocent's rights are transgressed.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Missouri.

Mr. VOLKMER. If they have a warrant; if they have a warrant. If they do not have a warrant, as your bill permits it, they do not have to have a warrant to break into that house, and if the warrant is defective, even under the Supreme Court, which I disagree with, the evidence can possibly be used.

Mr. SCHIFF. Reclaiming my time, the example given by the gentleman from Missouri was, if nothing illegal is found, tough luck. That is true under the exclusionary rule today. That is my point. The exclusionary rule, since it suppresses evidence that is found that the police officers seek to use has no effect if nothing is found.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I had not planned to speak on this matter. I sit with the gentleman from New Mexico and the gentleman from Michigan on the House Committee on the Judiciary, I am proud to say, but I heard other speakers come to the podium, and I feel obliged to insert my oars into the water, if you will.

Mr. Chairman, no one on this floor is trashing the Constitution, as far as I am concerned. I intend to vote in favor of H.R. 666. In doing so, am I guilty of trashing the fourth amendment? Indeed not.

The gentleman from Georgia, I believe, who preceded me here, he used a key word that many are either conveniently or unintentionally avoiding, "reasonableness," and "good faith." Those are words you do not hear kicked around too much.

Now, I am not suggesting that every police officer and every law enforcement officer in this country is a model citizen.

I am suggesting, however, Mr. Chairman, that most police officers and most law enforcement officers in this country are good people, and most of them do their jobs orderly and properly and most of them do their jobs, in my opinion, at least speaking for the law enforcement officials in my district, they do their jobs laced very generously with good faith.

I think it is a shame that we are hearing those of us who are speaking in favor of this piece of legislation as being guilty of trashing the Constitution. I resent such charges. They are not well founded.

I urge passage of H.R. 666.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

(Mr. REED asked and was given permission to revise and extend his remarks.)

Mr. REED. Mr. Chairman, we all want to see criminals convicted and serve prison sentences for their crimes. No one wants to hinder the police in their dangerous and difficult effort to protect all of us and to combat crime.

However, this bill is not about merely eliminating legal technicalities. It is about removing the requirement for a warrant prior to a search and seizure, and the Founders of our country believed that our citizens should be free from unreasonable searches and seizures.

The words of the Constitution, the fourth amendment, "The right of the people to be secure in their persons, houses, and papers and effects against unreasonable searches and seizures shall not be violated." I am not talking about the rights of defendants or the rights of prosecutors. We are talking about a fundamental right of the people of this country, and that is what we want to protect here today.

I do not think we should chip away at that fundamental right. The warrant

requirement is not a burden on law enforcement. Police can get a warrant by telephone. In fact, it takes sometimes only 2 minutes to get a warrant.

Warrantless searches are permissible under exigent circumstances. I do agree that officers who rely on a warrant that later turns out to be invalid should not be penalized. I support that part of the bill that codifies that good-faith exception.

I also support extending this exception to cases where the police relied upon a statute that later turned out to be unconstitutional.

However, I am reluctant to leave behind the presumption that in the ordinary course a police officer should obtain a warrant.

The majority would have you believe that this technicality results in many cases being thrown out. The evidence is contrary to that. The Comptroller General, in a report, indicated that suppression motions, those motions to eliminate evidence, succeed only in 1.3 percent of Federal cases. In fact, in those cases, 50 percent of the individuals are convicted anyway.

In fact, under the majority's formulation, more evidence may be thrown out as police officers have to justify after the fact their constitutional compliance.

I suggest we maintain the protections of the Constitution for the people.

Mr. CONYERS. Mr. Chairman, I yield 2¼ minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I think we need to go back to exactly what we are talking about. What we are talking about in this discussion is illegal searches.

Legal searches are not affected by this legislation.

Oliver Wendell Holmes, Justice Oliver Wendell Holmes, said the fourth amendment protects an individual's legitimate expectation to privacy. "The right to be let alone, the most comprehensive right and the most valued by civilized men." The fourth amendment, Mr. Chairman, allows the State to breach an individual's right to privacy only when the amendment's rules are followed.

The purpose of the exclusionary rule is to protect innocent people from illegal searches, because it removes all incentives the police officer may have to conduct illegal searches. If an officer conducts illegal searches, a search of innocent people, those for whom he has no probably cause that there is evidence of a crime, if he conducts illegal searches, he could not use the evidence anyway if he happened to find some evidence.

So police officers do not conduct illegal searches.

This bill would remove the incentive to obey the law and gives the incentive to police officers to break the law, because if they break the law in good faith, then they can still use the evidence.

Mr. Chairman, the police officers always act in good faith. I believe that the officers who beat Rodney King were acting in good faith. If they act in good faith, they act in good faith when they develop racial profiles to target certain ethnic groups for arrests. For example, there is the drug courier profile. If you have a black or Hispanic young male driving a Florida rental car up Interstate 95, they are targeted for arrest.

Those kinds of profiles ought to be illegal. If the police find something in an illegal arrest, they can always come up with an excuse for the search.

The exclusionary rule removes the incentive for illegal searches. It protects innocent people from those searches. It is the exclusionary rule that first causes complications, but now is being complied with. We should not dilute the Constitution. We should uphold the Constitution.

We should not encourage police misconduct.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I just am pleased to come to the well right at this point, because I think it helps show why we feel H.R. 666 is a radical diversion from the Constitution and really is trashing it.

The gentleman from Virginia who spoke before me asked some very serious questions in the committee, and that brought it all right down to where we are.

□ 1550

Right now Americans are basically protected from illegal searches and seizures by the fact that, yes, or course, today the FBI or the BATF or the local police could come and go through your house, your car, whatever, without a warrant. But if they find anything, they could not use it against you. Therefore, that is a real inhibitor. Why would you, as a FBI agent or BATF or a police officer, go running through, stopping people illegally or searching homes illegally if you could not use it to prosecute? The idea being now, if you want to prosecute someone and you have cause, you go get a warrant and then you go get it. If you take away that, which is what this bill does—this bill says if they come through your house, if they come through your car, if they do not have a warrant and the find anything, they could still use it—why would anybody go get a warrant?

Why would anybody go get a warrant? This is Monday morning quarterbacking, then. They will say, "Oh, but the way you are protected is the court will see whether or not they have an objective standard to illegally search your house without a warrant." If they could not figure out something by then to say, they are not worth their pay, they are not worth their salary.

So what we are really doing as we adopt this bill is just totally doing away with the requirement to have a search warrant, because there is not

penalty paid, no penalty at all paid if they illegally search.

Therefore, I hope everybody takes a great, sober second look at H.R. 666.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from California [Mr. MINETA].

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. I thank our very fine ranking Democrat on this committee for yielding me this time.

Mr. Chairman, I rise today in strong opposition to H.R. 666, exclusionary rule reform.

Mr. Chairman, this legislation in its present form is an affront to the fundamental principles upon which our great Nation was established. It hollows-out the fourth amendment and severely curtails one of our most basic civil liberties.

The exclusionary rule was designed to protect the fourth amendment right of all Americans to be free from unlawful persecution by the government. It ensures that evidence illegally obtained cannot be used in a trial.

This legislation would make a mockery of the fourth amendment. It would expand the good faith exception to say that evidence illegally obtained, in instances where law enforcement officers did not even try to get a warrant, could be admitted in court if the officers were acting in good faith.

If we could depend on "good faith", Mr. Chairman, then we would not need a Constitution. But our founders adopted the Bill of Rights 200 years ago because they wanted civil liberties to be the foundation upon which this Nation was built.

We needed that protection 200 years ago, Mr. Chairman, and we need it more than ever today.

Mr. Chairman, I strongly urge my colleagues to oppose this legislation.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this debate today indicates some woeful belief, I think, of the wrong direction of what we are about. My judgment on the debate I have been hearing today is that there are some Members, particularly on the other side of the aisle, who think somehow there is a constitutional right that we are undermining today, that we are doing something radical—I have heard that word used—we are making a major change that would undermine the basic rights for the protection against unlawful search and seizure in our homes. I think this needs to be put in perspective. There was no exclusionary rule of evidence prior to 1914, when the Supreme Court made the decision to enact such a rule to discourage police officers from carrying out unlawful searches and seizures. It is not a constitutional matter. It is a matter of procedure, and the courts thought this was the best way to go about doing it whenever they could do it, trying to

discourage police from knowingly and intentionally doing something wrong.

There have been exceptions to this rule in order to make it more likely to get convictions in those cases where there was no reason to have this rule. That is in cases where the police officers are not going to be deterred from doing something unlawful.

That is the whole exception that was carved out in cases of search warrants. One needs to note that this particular question of just keeping it to the search warrants has never been decided by the U.S. Supreme Court. In fact, in the fifth and 11th circuits of our system, our Federal court system, they have for quite some time allowed the good-faith exception we want to adopt today on the floor of the House. They have allowed it to be the law in those two circuits. There has been no ill that I know of that comes from that broader interpretation. And there have been a few cases where we have gotten some convictions with search and seizure evidence that we otherwise would not have gotten against the bad guys. I cannot find any instance where any harm has come from this looser interpretation that the fifth and 11th circuit courts have given to the rule that we want to adopt here today.

I would cite that there is a case going before the Supreme Court in Arizona that illustrates the absurdity of the situation we are in.

On Jan. 5, 1991, two Phoenix police officers stopped Isaac Evans for driving the wrong way on a one-way street. After obtaining Mr. Evans' identification, one of the officers ran a computer check from his car, which showed an outstanding arrest warrant for Mr. Evans. As the officers arrested Mr. Evans, he dropped a marijuana cigarette, which, along with more marijuana found in his car, was seized as evidence.

However, 17 days earlier, the Central Phoenix Justice Court had quashed the Evans arrest warrant. It is unclear whether a check in the Justice Court had failed to notify a police clerk or whether a police clerk, after receiving notice, had failed to remove the warrant from the police computer. The trial court concluded that the arrest was invalid since the warrant had been quashed and, applying the exclusionary rule, suppressed the evidence of Mr. Evans' guilt. The Arizona Supreme Court agreed, with that interpretation.

I would suggest that if the record-keeping efficiency of the Phoenix criminal justice system was what was wrong, that is what should have been corrected, not throwing out the evidence. The better solution obviously if it is the clerk who was at fault, to fire the clerk, not to exclude the evidence and deny the public the right to convict somebody who actually committed a crime we all know he committed.

We are going overboard, and to the excess, in our law enforcement process today to protect the innocent, if you

will, protect us from unlawful searches and seizures. We need to have a balance in the system, one that says, "Yes; the rights of the individual under the Constitution are protected, but we also have a right, as the general public, to be safe and secure in our homes and on our streets of this Nation."

We cannot be safe and secure if we go to the extremes to protect the rights of the individual under the Constitution with the created rule that we have developed in the court systems today that excludes evidence when somebody is clearly guilty, evidence of their guilt, in cases where it would not deter the police at all from doing whatever acts that they did to have excluded that evidence.

I submit that we are not doing anything complicated in this bill if we pass H.R. 666. We are simply taking what two circuit courts in the Federal system today already have adopted as the rule of evidence and apply that rule, that good-faith exclusionary rule, throughout the Nation, throughout all the circuits, to obviate the necessity of protracted litigation and the potential for more Supreme Court rulings coming down over the years in the future and that undoubtedly will gradually expand the rule to encompass all these possible cases as the fifth and 11th circuits have already done. That is all we are doing, nothing really profound, but something the law enforcement community and the general public can be very important because we need to get more convictions and do not need to let criminals get off on technicalities. That is what it is all about, pure and simple.

That is what the good-faith exception to the exclusionary rule is all about. Again I would urge my colleagues to proceed through the amendment process and keep that in mind and that in the end we have an overwhelming vote to pass this bill, as we have twice before done in this body and previous Congresses, only to see it fail because the other body did not act on it. But we have passed it overwhelmingly here this good-faith exception to the exclusionary rule in two previous Congresses in recent years.

I would urge my colleagues, before the day is out or by tomorrow if it goes to tomorrow, to pass this bill.

Mr. LAZIO. Mr. Chairman, what does the fourth amendment say? It is illuminating to read the text which describes each and every American's constitutional right:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

While the fifth amendment contains an explicit exclusionary rule in that "No person \* \* \* shall be compelled in any criminal case to be a witness against himself \* \* \*" the fourth does not. The exclusionary rule is a mechanism created by the Supreme Court de-

signed to enforce violations of the fourth amendment.

This bill does not abolish the exclusionary rule, but rather improves it. This bill seeks to broaden the "good faith exception" by applying it to warrantless searches. The rationale of this is the same as searches with warrants which the Supreme Court addressed in the 1984 Leon decision. The reasoning is that since the action was taken in good faith, there would be no deterrent effect, the means by which the fourth amendment is enforced. Some critics of this bill say that it allows the police officer to be ignorant of the law. This is not the case. The bill calls for an "objectively reasonable belief" on the part of the police officer. The police officer's belief must not only be reasonable to him or her, it must be an objective one made in good faith.

As a former prosecutor, I have seen clearly guilty individuals go free merely because certain evidence was excluded, despite the best efforts of the police. H.R. 666 would end this unfair result. The safety of our community is more important than a law review article.

Mr. YOUNG of Florida. Mr. Chairman, I rise today in support of H.R. 666, the Exclusionary Rule Reform Act. This legislation represents title VI of the Taking Back our Streets Act, one of the 10 points of the Republican Contract With America, and continues our efforts here in the House to address our Nation's crime problem. As you know, Mr. Speaker, we have already completed work on the Victim Restitution Act.

Mr. Speaker, the fourth amendment to the U.S. Constitution protects Americans from unreasonable search and seizure of their persons, houses, papers, and effects. Under current law, if a court finds that evidence was obtained in violation of this amendment, that evidence cannot be used by the Government in its case against the defendant and is to be excluded at trial.

Unfortunately, this exclusionary rule has been manipulated by skillful defense attorneys to protect murderers, drug dealers, rapists, and robbers. In one instance, more than 250 pounds of cocaine found in a car during a routine traffic stop were ruled inadmissible at trial because the officer did not have a warrant to search the car. This strict interpretation too often leads to the acquittal of many who are obviously guilty.

In 1984, the Supreme Court modified the exclusionary rule to permit the introduction of evidence that was obtained in good faith reliance on a search warrant that was later found to be invalid. H.R. 666 codifies this decision into law. However, as the above example makes clear there is a need for a similar good faith exemption in cases where police officers, acting in good faith, conduct a search or seizure without a warrant. Today's legislation creates such an exemption by allowing evidence to be admissible so long as the law enforcement officials who gather the evidence held an objectively reasonable belief that their action conformed to the requirements of the fourth amendment.

Mr. Speaker, H.R. 666 strikes the proper balance between the rights of Americans against unreasonable search and seizure, and the rights of society to be free of criminal threat. It will help to protect America's citizens and put away America's criminals, and I urge its support.

Mr. McCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 666 is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Exclusionary Rule Reform Act of 1995."

**SEC. 2. ADMISSIBILITY OF CERTAIN EVIDENCE.**

IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

**"§ 3510. Admissibility of evidence obtained by search or seizure**

**"(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.**—Evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. The fact that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of such circumstances.

**"(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.**—

**"(1) GENERALLY.**—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to statutory authority.

**"(2) SPECIAL RULE RELATING TO OBJECTIVELY REASONABLE SEARCHES AND SEIZURES.**—Evidence which is otherwise excludable under paragraph (1) shall not be excluded if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that the search or seizure was in conformity with the statute, administrative rule or regulation, or rule of procedure, the violation of which occasioned its being excludable.

**"(c) RULE OF CONSTRUCTION.**—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3510. Admissibility of evidence obtained by search or seizure."

□ 1600

The CHAIRMAN. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONYERS: Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

**SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT OR STATUTE.**

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end of the following:

**“§2237. Good faith exception for evidence obtained by invalid means**

“Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance—

“(1) on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

“(A) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

“(B) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

“(C) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

“(D) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid; or

“(2) on the constitutionality of a statute subsequently found to be constitutionally invalid.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

“2237 Evidence obtained by invalid means.”

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman and colleagues, we have heard continually that those who have brought H.R. 666 to the floor contend that all they want to do is codify existing law with respect to the exclusionary rule. If that is their simple goal, then what is the purpose of the current legislation before us since current Supreme Court decisions are controlling in American jurisprudence in the first place? In other words, why are we doing that?

If, however, the sponsors of H.R. 666 content that even with Supreme Court decisions it is necessary for the Congress to put them in statute, I have no exceptions save one. Let us really codify the law as it exists and not use this as an exercise, as a pretext, totally invalidate the fourth amendment protections to innocent and law-abiding citizens.

So, Mr. Chairman, I have brought forward this amendment to protect law-abiding citizens. This amendment codifies the key controlling case law on the so-called good-faith exception, which includes both the Leon case as well as the Krull case. In both cases

the Supreme Court recognized a good-faith exception for police officers who rely either on an improperly issued search warrant, or as in Krull, an invalid statute as a basis to make a search or seizure of property. The reasoning of the court in these two cases was that police need this type of latitude in exercising their duties and that they should be held harmless for any error that a magistrate commits in issuing a warrant or any error that a legislature makes in passing a statute. Hence the phrase “good-faith reliance.”

Yet, both Supreme Court decisions that define the good-faith exceptions share a crucial, common aspect, the need for a law enforcement official to rely on a source of authority outside of himself to make the final determination that probable cause exists for search for evidence. Without the requirement of an external source of authority making such a determination, government and law enforcement agencies can simply be a tribunal to themselves as to when and how they will invade the privacy of law-abiding citizens in their homes. We have already seen the results of such carelessness in ill-conceived and disastrous raids in Texas and in Idaho.

These cases dealing with good-faith reliance by law enforcement officials were developed by the more conservative Supreme Court appointees during the 1980's as a reaction to, perhaps, a very valid criticism, that the law on the exclusionary rule was too restrictive and confining on police officers. However, following the Leon and Krull cases, Justice Sandra Day O'Connor warned that the Supreme Court has reached the outer limits on the fourth amendment through its good-faith exception and that any further diminishment of the requirement of having an outside, neutral authority issue a warrant could lead to complete chaos and complete violation of our citizens' expectations of privacy in their own homes.

Justice O'Connor further warned very perceptively that some in the Congress might want to push the envelope beyond these outer bounds to that, and I quote, “they would not be perceived to be soft on crime,” and we are now witnessing her warning and prediction come true in the form of the bill that is before us as passed out of the Committee on the Judiciary.

My amendment would simply restate the law on good-faith reliance by police officers to exactly where it currently exists. That reaffirmation would keep the delicate balance struck by the court between assisting the police in their important duties while safeguarding the rights of innocent Americans from improper searches of their homes.

Let us remember also that in addition to the good-faith exception, law enforcement already has the right to take whatever action it deems necessary in emergency circumstances under the “plain view” doctrine that

would not be affected. In fact, if there is a desire to codify the good-faith exception, then my amendment provides us with just such an opportunity.

I say to my colleagues, “Support this amendment if you want to codify the existing Supreme Court decisions.”

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. CONYERS].

Mr. Chairman, I must oppose this amendment. It actually would reserve the court rules with regard to evidence in the area of the fifth and the eleventh circuits by adopting the Leon case and one little small additional exception from one other Supreme Court ruling dealing with statutes. We already have, as I explained a few moments ago in general debate, two of the circuits of our Federal court system, the fifth and the eleventh, which for quite some time now have had this broader good-faith exception to the exclusionary rule as their rule of evidence allowing more evidence in than has been yet certified by the Supreme Court as in the Leon case, which is what the gentleman from Michigan is trying to codify into law. He would by this amendment.

So we all understand it, he would strike the bill that we have before us today and substitute his own language, his own language. The language of the gentleman from Michigan [Mr. CONYERS] is the language derived, 98 percent of it, from the so-called Leon case that deals with the good-faith exception in cases where there have not been search warrants issued. He does not broaden it to all of those cases where there have not been search warrants issued, nor would he cover the Arizona case that is now before the Supreme Court where I described a situation which a warrant had been issued, but it had been illegally quashed some 17 days before the search occurred which resulted in the contraband being seized, which was then held to be inadmissible in that particular case on the basis of the previous Supreme Court rulings.

I think this is way too narrow, and, as I said,

It does change the law elsewhere in the country in ways that are not beneficial, and I would urge my colleagues to defeat this amendment and to stick with the broadening provisions that we have placed in this bill in order to allow the good-faith exception that all of us on this side have promoted for quite some time.

So, again I object and oppose this amendment and urge its defeat.

Mr. STUPAK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I come down here today. I had no intention of coming down here until I started listening to the debate, and the more I listened to it, the more concerned I have become and the more convinced I am that we need the amendment proposed by the gentleman from Michigan [Mr. CONYERS].

There are very few principles in our Constitution or in the amendments in our Bill of Rights that are more sacred than protecting people and their homes from unreasonable search and seizures.

As I was in my office discussing matters with some constituents, the gentleman from North Carolina, who had a very long and distinguished career in law enforcement, came up and spoke in favor of H.R. 666, but what the gentleman said are words to this effect, that the fourth amendment applies only to law-abiding citizens, as he was 2 months ago.

I say to my colleague, "The fourth amendment applies to everyone in this country, whether you're a law-abiding citizen, whether you are driving down the road and being stopped by the police, or whether you are walking home at night and being stopped by the police. We are all citizens, and we all have the protection of the fourth amendment against unreasonable search and seizures."

□ 1610

Having been a police officer for 12 years, 12 years of having worked the road while I was a police officer, I also went back and got my law degree and was assigned to special investigations. I also taught constitutional law, search and seizure and criminal law at the Michigan State police academies, and I continued to work the road and to do special investigations.

No matter who you are, the fourth amendment applies to you. We do not know when the resources of the State or local or Federal Government will turn their resources on you, and you then become a suspect. You do not suddenly lose your fourth amendment rights. You cannot lose these rights.

The gentleman from Florida mentioned the Arizona versus Evans case, and he said in his comment "We all know he was guilty." That is the reason why we need the fourth amendment, because we do not know people are guilty until they are tried by a jury of their peers. It is not a subjective standard. It is reasonable search and seizure.

The Leon standard as articulated by the Supreme Court in 1984, that was a Reagan Supreme Court that decided Leon. Last night we were handling President Reagan as a hero of the line item veto. Today we are saying his Court did not know what they were doing? It cannot be both ways. It cannot be both ways.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I have no problem with the Leon decision or what his Court decided. They did not have before them anything but the warrant cases. They had no nonwarrant cases we have up here today. So I have no squabble at all with Leon.

Mr. STUPAK. Mr. Chairman, reclaiming my time, how can one get on the floor and say under this law we all knew in Evans versus Arizona the gentleman was guilty? That is the kind of standard we cannot have.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield further, I never said the gentleman was necessarily guilty. I said there are many cases where the people were guilty out there who have been getting off on technicalities. Not necessarily that case. We know the evidence in that case was not allowed in, and therefore that is the problem. We assume that might have made him guilty. It might not have.

Mr. STUPAK. Mr. Chairman, reclaiming my time, the reason we don't allow it in is because the standard is to be proven guilty beyond a reasonable doubt. Beyond a reasonable doubt is a fair and honest doubt growing out of the evidence or the lack of evidence. The lack of evidence comes in when evidence illegally obtained is excluded from the courtroom procedure. It is not the subjective standard that the gentleman argues, but rather a very, very profound standard with parameters on it that the Supreme Court gives to all of us and the Constitution has guaranteed.

Let us be clear about this: The ABA studies at the time of the Leon case found that less than 1 percent of the individuals arrested for felonies are released because of illegal search and seizures, less than 1 percent. So there is a huge standard here, a very sacred standard, and we should not disregard it. Your H.R. 666, while well-intended, puts a good faith exception, and we do not know what that good faith is, other than the good faith as articulated in a police report. But the Conyers amendment says take the highest authority we have, the Supreme Court, let us codify it, and bring some reasonableness to the standard.

Believe me, if we are wrong on one or two, so be it. But less than 1 percent. Not everyone is guilty. You do not know when the resources of government will be turned on you.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. STUPAK] has expired.

(At the request of Mr. CONYERS and by unanimous consent, Mr. STUPAK was allowed to proceed for 1 additional minute.)

Mr. STUPAK. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, the gentleman has been a law enforcement officer for many years in Michigan. I would just like to ask the gentleman, were the exceptions to the exclusionary rule sufficient while the gentleman was operating as a law enforcement officer? You have the good faith exception, you have the emergency exception, you have a number of provisions that it seems to me would allow any officer, even without a warrant, to be

able to operate, and certainly in most cases to get a warrant from the magistrate.

Mr. STUPAK. Mr. Chairman, reclaiming my time, the requirement I always felt was proper, having spent 12 years there. If I may expand, warrants are not needed in exigent circumstances like hot pursuit. Consent searches, you do not need a warrant. Stop and frisk, you do not need a warrant. Before you place someone in your squad car to transport them, you do not need a warrant. Inventory searches upon arrest, you do not need a warrant. Automobile searches, you do not need a warrant. Independent sources, and I can go on and on.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise for the purposes of having the minority leader and the majority leader conduct a colloquy on the further order of business today.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCHIFF) having assumed the chair, Mr. RIGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 666) to control crime by exclusionary rule reform, had come to no resolution thereon.

#### LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I take this time to inquire of the majority leader about consultations we have been having on trying to work out a procedure for the consideration of the rest of the crime bills.

Mr. Speaker, I yield to the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding. Let me preface my remarks by saying we have been having consultations, not only between the minority leader and myself, but between the chairman of the committee and the distinguished gentleman from Michigan [Mr. CONYERS] and other members of the committee, and the Committee on Rules, and they have been going well. So I think I can report to the Members with a high degree of confidence a probable schedule for today and the remainder of the week, with a few caveats interceded.

First of all, we expect to be able to finish the exclusionary rule reform today, and there is a very good likelihood we could be out by 7 o'clock this evening. We would begin tomorrow at 11 o'clock and, if necessary, we would finish the exclusionary rule.

We would then begin an attempt to finish the effective death penalty, subject to a unanimous-consent request that I will make in a moment that has been cleared on both sides of the aisle.

We ought to be able to be out tomorrow night by a reasonable time, about 8 o'clock possibly.

We should mention that in our proceedings tomorrow on the effective death penalty, there will be 6 hours in which we would consider amendments.

On Thursday, we would convene at 9 o'clock. We would have a limit on 1-minute, and we would begin the discussion on prisons, and we could expect to go late Thursday night.

On Friday, subject to a unanimous-consent request, we would begin at 10 o'clock in the morning. We should be able to finish our discussion of the prison bill. The we would begin to attempt to finish the criminal alien deportation bill, trying to be out by 3. We will rise at 3 in any event on Friday and we may have to have a unanimous-consent request later on to facilitate that.

That would make it possible for us to convene the House at 2 o'clock next Monday and have a general debate that would allow Members to be sure they would not face a vote before 5 o'clock Monday afternoon. We would hope on Monday to finish the Criminal Alien Deportation act and begin local law enforcement block grants.

We should expect a late night next Monday. On Tuesday, we would convene at 11 o'clock and finish local law enforcement blocks grants, and Tuesday could be a possible late night.

Obviously, we have been receiving, I think, very good dialog, debate, and cooperation from all Members. Certainly the discussions between the leadership teams, not only in the committee and the minority leader's office as well as mine, have gone well. So let me just encourage the Members to know this represents what we consider to be a highly probable schedule outcome, and clearly we will try not to surprise anybody. I think the 3 o'clock departure on Friday is something they can be very certain about, and they can be quite confident they would face no votes before 5 on Monday.

With those comments, I would yield back.

□ 1620

Mr. GEPHARDT. I thank the gentleman. I would just like to add some other items that we have been discussing. One was that we would like to be able to have an hour of general debate on the prisons bill by unanimous consent, if we can get it, on Wednesday. We would also hope to have the House convene at 9 a.m. on Friday and would be willing to agree to limit 1-minute, if that would be helpful to get us started on that day at an earlier point.

Obviously, we have got to get some unanimous-consents to get rules up. We would like to finish the criminal alien deportation bill on Friday so that Monday could be dedicated to the law enforcement block grants, along with Tuesday. Obviously, we have to get a unanimous-consent. And we have to agree to the rule.

We would like to have open rules, but we are willing to agree to some time

limits which we can talk among ourselves with the Committee on Rules about so that we can assure everyone that we can finish these bills when the gentleman would like to finish them on the schedule. But having an open rule and requiring us to discipline the amendment process would be a good way for us to proceed.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, the gentleman is correct. I do need to correct my earlier statement.

On Thursday, the House will convene at 10 and there will be a limit on 1-minute. And we will be asking unanimous consent presently for Friday, for the House to convene at 9.

Mr. GEPHARDT. I thank the gentleman.

#### HOUR OF MEETING ON FRIDAY, FEBRUARY 10, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent then when the House adjourns on Thursday, February 9, 1995, it adjourn to meet at 9 a.m. on Friday, February 10, 1995.

The SPEAKER pro tempore. (Mr. SCHIFF). Is there objection to the request of the gentleman from Texas?

There was no objection.

#### PROCEDURE FOR CONSIDERATION OF H.R. 729, THE EFFECTIVE DEATH PENALTY ACT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the bill, H.R. 729, be considered in the following manner:

The Speaker at any time may declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 729) to control crime by a more effective death penalty, and that the first reading of the bill shall be dispensed with. All points of order against consideration of the bill shall be waived. General debate shall be confined to the bill and shall not exceed 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate, the bill shall be considered for amendment under the 5 minute rule for a period not to exceed 6 hours. It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute ordered reported by the Committee on the Judiciary, and all points of order against the substitute shall be waived. The committee amendment in the nature of a substitute shall be considered as having been read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amend-

ment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### EXCLUSIONARY RULE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 61 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 666.

□ 1624

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 666) to control crime by exclusionary rule reform, with Mr. RIGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier, pending was amendment No. 3 offered by the gentleman from Michigan [Mr. CONYERS].

Is there further debate on the amendment offered by the gentleman from Michigan?

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to point out, first of all, that the amendment offered by the gentleman from Michigan, if enacted into law ultimately, allows for a good faith exception to the exclusionary rule. I understand the gentleman makes a distinction between how his amendment is worded and how H.R. 666 is now worded. I will address that in a moment.

But I want to point out that both H.R. 666 and the amendment of the gentleman from Michigan would codify in some form a good faith exception to the exclusionary rule. My point, obviously, is that if all constitutional rights are not going to come to an end under the amendment of the gentleman, which allows a good faith exception to the exclusionary rule, all constitutional rights are not going to come to an end under H.R. 666.

Let me more precisely address the difference between the amendment from the gentleman from Michigan and this bill.

Basically, though there is another exception in the gentleman's amendment, basically the gentleman's amendment would codify the Leon case which allows this good faith exception when there is a warrant used by a police officer and that warrant is later determined to be invalid. But the point

of our bill, H.R. 666, goes to what the previous speaker stated, before we resolved into the House of Representatives for other business, and that is, not every search requires a search warrant. There are a list of exceptions where a search can be perfectly legal just as an arrest can be perfectly legal without a search warrant.

The point we have here comes down to the same idea on a good faith occurrence. If in the course of a search an officer on an objectively reasonable basis believes that a search is legal without a search warrant, not an arbitrary basis, not a capricious basis, but a reasonably objective basis comes to that conclusion, it serves no purpose under the entire theory of the exclusionary rule, which is to deter misconduct by police officers, to at that point exclude the evidence.

That is why H.R. 666 is better as written than it would be as amended by the amendment of the gentleman from Michigan. That is why I urge rejection of that amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words. I rise proudly in support of the gentleman's amendment.

Mr. Chairman, I want to have a colloquy with the gentleman from Michigan, because he is getting beat up here on the floor. The way I understand the gentleman's amendment is that it does absolutely nothing but codify the Leon decision, which we hear praised over there. But then when we offer it, we hear it attacked. So I am a little bit confused.

I also thought we got a little window into the fact that we were correct in that if we adopt H.R. 666 without the gentleman's amendment, what we are really saying is people can go around and do massive searches in neighborhoods or anything they want and if they come up with something, then they can go ahead and prosecute, that there really would be no reason to ever bother to get a search warrant in the future.

I have just heard the gentleman from Michigan's amendment being attacked around here, and I think it is only fair for the gentleman to have some time to explain it, because I, the way I read it, I have been reading it and reading it and it looks to me just like the codification of Leon decision.

Would the gentleman please answer?

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I am very happy that the gentlewoman has again put her finger on precisely what is in difference over this H.R. 666. Because we have now, and I think the other side will agree, we have all kinds of exceptions written into the exclusionary rule already.

□ 1630

This includes destruction of evidence, imminent danger to law enforcement officers, stop and frisk laws in automobiles, including trunks, which the police can stop. We have the fleeing fel-

ons exception. We have the plain view exception, where if we see illegal evidence or a stash of drugs and they are in plain view, or guns, the police officer is perfectly permitted to act.

However, what we do not have is an officer using his own objective, reasonable good faith to determine whether he should do something over and above these exceptions. Therefore, the gentlewoman is absolutely correct.

In Leon there was a writ given by the magistrate that turned out to be subsequently invalid. In that case, we said that the police officer operated in good faith, and therefore the evidence could be excluded.

However, what they are saying is, let us get rid of any warrants at all by the magistrate, and let us let the police officers' own reasonable good faith be the test. In other words, each law officer would become the judge under this exception, which is nowhere to be found in Leon.

Mrs. SCHROEDER. Mr. Chairman, the other thing I would like to ask the gentleman about is, when I was discussing this before, I said "OK, if we do not pass the gentleman's amendment, and police officers can go around and search at will, then if they find something, they are not worth their pay if they cannot figure out some probable cause or something to cover it up."

How do we as individuals then protect ourselves from unreasonable searches and seizures? Is the gentleman aware of any criminal prosecution in the United States that has ever gone on against any law enforcement officer anywhere, for illegally searching someone's home?

Mr. CONYERS. If the gentlewoman will yield again, Mr. Chairman, the whole idea of us not checking with a magistrate in the beginning and getting an OK, or using one of the exceptions, we will have then eviscerated the exclusionary law as it exists, because then there will not be any need. Every officer can use his own judgment.

Now whether somewhere in some jurisdiction in some State, some police officer, has been nailed, I cannot tell. All I am saying is, why do we not correct the problem on the front end, instead of waiting for some hapless citizen to have to go into court, and maybe years later it will be determined that the police officer was wrong?

Mrs. SCHROEDER. Mr. Chairman, I think the gentleman is correct. As I remember our hearings, we asked some of the prosecutors that showed up, some of the district attorneys, if they were aware of any cases in the court of law enforcement officers being prosecuted for illegally searching and seizing, and they said no, not to their knowledge, either.

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 5 additional minutes.)

Mrs. SCHROEDER. Mr. Chairman, the reason I feel so strongly about this is, the gentleman from Missouri was on the floor talking before about ATF being able to run through people's homes looking for guns. If they find nothing, then OK, that is the end of it. If they find something, then they go after the person.

That is a real invasion of our rights, as our forefathers knew them. I stand here as a person who the FBI came trooping through my house over and over with an agent named Timothy Redford.

When I first started running in 1972, we kept having break-in after break-in after break-in, and we really were terrified. We thought they were trying to maybe kidnap the children, because we could not find anything that was missing. We could just see that they had broken in, through the window or through whatever, we had no idea what was going on. They were breaking into the cars. We saw nothing missing.

Many years later, under the Freedom of Information Act, I found that the FBI had hired this Timothy Redford to break into our house. The things that he had gotten at taxpayer expense was the fact that I belong to the League of Women Voters and I paid dues there, the fact that I had been a Girl Scout, the fact that my husband was a lawyer.

These were incredible things. There were 50 pages of incredible revelations, that if he had ever come to my campaign office, we would have told him. However, the main thing he found was a campaign button that said "Pat Schroeder: She wins, we win." He thought that was probably a Communist slogan, so therefore, he thought he had reasonable cause to go running through my house.

Mr. Chairman, granted, he found nothing illegal. My word, there is nothing in our house, unless dust kittens are illegal. We have those that weigh 10 tons. However, beyond that, I do not think there is anything illegal in my house, but if he had, under this amendment they could then prosecute. However, in the interim, as a citizen I have no recourse to that.

I really think one's home is one's castle. What we are doing without the amendment of the gentleman from Michigan [Mr. CONYERS] is saying there is a license for law enforcement people to go out and search and seize on anything, whether it is a campaign button or whether you look suspicious or whether you happen to live in a neighborhood that they think has a taint of crime or whatever. If they find something, you bet they are going to make a good case for why they do it, so why would they ever get a warrant?

The second point the gentleman from Michigan makes is, the courts have common sense. Guess what, these guys did not come to town on a turnip truck. Most of them have been prosecutors or defense lawyers before they sat on the bench, and they have allowed evidence to be accepted when it was in

plain view, when you were in hot pursuit, when there were all sorts of things that would make a reasonable exception.

Therefore, the question is, are we going to tear up the 4th amendment, or are we going to continue to believe that one's home is one's castle.

Mr. CONYERS. If the gentlewoman will continue to yield, first of all, the gentlewoman has revealed out of her own experience an absolutely shocking situation, as a Member of Congress and a distinguished person in her own State and the country, that this could happen to her.

Mr. Chairman, what about a citizen anywhere? Do Members know what their remedy would be? They would have to go get a lawyer, file a civil suit. They obviously are going to have to pay for it. It would be a long, protracted piece of litigation, and there are very, very few people that would have the well of the House of Representatives to make clear the kind of horror stories that could occur.

The average citizen is, in effect, without remedy if H.R. 666 would be applied, because this is what is happening without it. What this bill would do would be make it legal and permissible for an officer then to come before the court and say "I used objectively reasonable good faith in trying to determine that we should break into the Schroeder house because we thought we might find something."

Mrs. SCHROEDER. Mr. Chairman, reclaiming my time, I totally agree with the gentleman. I think one of the things that happens here is everybody sits around and says "This could not happen to me." I must say, it was a very shocking day when I found out many years later what was happening. It can happen to anybody.

Mr. Chairman, there is absolutely nothing that says that times do not change or people cannot draw all sorts of deductions.

The gentleman from Virginia [Mr. SCOTT] had a very interesting dialog during the hearing with one of the witnesses talking about if they stopped his car and searched it on 395 and found nothing, did he have a recourse. The answer is no. That is why this amendment is so important.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the bill and in opposition to the amendment.

Mr. Chairman, I just want to point out that the committee bill does not validate searches and seizures that are made in bad faith. The court will make that determination.

It seems to me under the scenario the gentlewoman just recited, she would have a great lawsuit. She is a lawyer, and her husband is a lawyer. I am sure they know lots of lawyers. They must consort with lawyers. I cannot imagine why a good, healthy lawsuit did not ensue. Police are sued every day. If

they intrude, if they trespass, they have no more rights than anybody else.

However, Mr. Chairman, what we are talking about is a good faith arrest. I can conceive of a situation where two men are on the street with a policeman nearby and one of them pulls a gun. What he is doing is showing his friend his gun that he just bought, but the policeman thinks this is a holdup, jumps the guy with the gun, and in searching him, finds cocaine in his pocket.

Mr. Chairman, under the committee bill, that cocaine would be admissible in a trial. Under the exclusionary rule, it would not. Who is penalized by the exclusionary rule as it presently is employed? The people. The people are victimized, nobody else, just the people.

□ 1640

The principle of Leon is to be distinguished from the terms of Leon. Leon stands for the principle that there is nothing sacred about the exclusionary rule and if the law enforcement officer made a good faith effort to make a reasonable search and seizure, to be determined by an objectively reasonable standard, then the evidence shall not be suppressed.

Yes, it tilts toward the public, it tilts toward the victims of crime. It no longer tilts toward the accused. But what is more unjust than suppressing evidence that should lead to a conviction of a serious crime because of some technical difficulty? We are addressing that.

Any time they invade the gentlewoman's house again, I would like that case, and I would do it pro bono for the gentlewoman.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. May I reacquaint the gentleman, because he is a distinguished member and chair of the committee, of the United States versus Watson, in which it has been held as in-violate law that arrests in public areas where there is probable cause does not require any warrant whatsoever.

Mr. HYDE. The key words are "probable cause."

Mr. CONYERS. When a person pulls a gun in the presence of a law enforcement officer, I say to the gentleman from Illinois [Mr. HYDE], he does not have to go to a magistrate to determine whether he can arrest him. He is also in imminent danger of his life, in addition. That is two requirements.

Mr. HYDE. Let us say he is hugging his wife and the policeman thinks that sexual harassment is going on in front of him. Incident to arresting or halting that, he discovers narcotics. I want that to go into evidence. You want it suppressed.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. BERMAN. Is there any question but that pursuant to the lawful arrest and a search when you find evidence,

when there is probable cause for the arrest, the search incident to the arrest, the evidence produced of another crime is admissible? I would like to know the case that excludes that evidence. If it is a search incidental to a lawful arrest, it is admissible. We do not need this bill for that.

Mr. HYDE. It would not be a lawful arrest if no crime were being committed and no crime was being committed in exhibiting the gun to his friend. There was no crime.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I do not quite understand. You can have a lawful arrest and then defend yourself. But it would be a reasonably lawful arrest, and then the person could present what was really happening. It is not like you can only arrest a person unless it is 100 percent proof in court, and under a lawful arrest, you are allowed to do a lawful search.

Mr. HYDE. But there could be an unlawful arrest, however, but made in good faith, under misapprehension of the facts, misapprehension even of the law. But if it is made in good faith as determined by the court under an objectively reasonable standard, then we have reached a crossroads. You want the evidence suppressed. We want the evidence admitted.

Mrs. SCHROEDER. If the gentleman would yield further, I still cannot figure out what an unlawful arrest would be unless you just saw someone walking down the street and arrested them.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, when the court originally came down with the exclusionary rule, it recognized that this is not a good rule in some abstract sense. It is forcing the exclusion of evidence which was seized which could show that an individual may have committed a crime. But they went through a whole process of pointing out that without this kind of rule, there was no other effective deterrent to unlawful searches and seizures, there was no other effective way of protecting an individual's fourth and fourteenth amendment rights to privacy and against unlawful searches and seizures.

If the proponents of this bill and the opponents of the Conyers amendment would propose a series or any remedy which was effective in protecting an individual and giving him some recourse against unlawful searches and seizures which would provide the kind of deterrent that would make those fourth amendment rights meaningful, I think everybody in this House would agree in a second to get rid of the exclusionary rule because of the problems with the exclusionary rule. But when the gentleman from Illinois talks about a lawsuit against the police, the evidence is

replete that for all kinds of reasons, the absence of demonstrating monetary damages, the time it takes, the difficulty in establishing any proof, civil remedies in the traditional courts against a policeman for an unlawful search are not effective. They are not a deterrent.

Surely within the context of discipline, statutory kinds of remedies, you might want to explore the possibility of providing an alternative that provides that kind of effective deterrent. But I have never heard the proponents of doing away with the exclusionary rule takes any serious time to try and create more effective remedies that would constitute that deterrence.

That was the very heart of what the court said when they came down with the exclusionary rule. In effect they said, "We don't like it but we don't know how to provide a meaningful deterrent against unlawful searches and seizures without that rule."

I suggest that if people would get together and try to come up with those effective remedies, there would be a much better approach towards doing this then keeping the exclusionary rule.

But so far no one who wants to do away with it comes up with effective alternatives. I think it is a big mistake.

I also want to make one other point. The difference between objective and subjective. I am happy to see the committee report spent some time clarifying the objective standard. But the fact is when you talk about what a police officer thought at the time, I would suggest these may be words but it may not have any real meaning. In the end, you may really be giving to the police officer the final decision on whether or not he thought that search was in good faith, and we will slide very quickly to the intent to provide an objective standard to the reality in the courtroom of a subjective standard which rewards a lack of knowledge about search and seizure law, it promotes and encourages not knowing the specifics of what is permitted and what is not permitted. I do not think it is a healthy standard to give real meaning to the fourth amendment protections.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman from California for his discourse, because what he has revealed is this: We have almost a dozen exceptions that come to mind, including the one by the chairman of the Committee on the Judiciary who was not aware of the fact that a law officer does not have to go get a warrant or see a magistrate if someone in public pulls a gun out. That has been tested and is hard law.

But when we take the Leon case and all of the exceptions: stop and frisk, the fleeing felons, hot pursuit, plain view, good faith, arrests in public

areas, what on Earth else do they want to be excluded from an exclusionary rule that would lead them not to support codifying Leon as this amendment of mine does, what other exceptions are they looking for?

What they are doing is only one thing in my judgment: Transferring the test of reasonable good faith from the magistrate to the police officer. That is the one limit that I cannot go to because it in effect eviscerates whatever else is left of the exclusionary rule.

Mr. BERMAN. If I may reclaim my time, I agree, and it does so without providing any effective alternative to protect that individual's fourth amendment rights.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to accomplish two purposes: First to congratulate the gentleman from Michigan for bringing the amendment to the floor, and then to announce that I will oppose that amendment.

Why do I congratulate him? It appears that the gentleman from Michigan is for the first time since I have been in the Congress espousing a return at least to sanity in the warrant search and seizure realm of the law enforcement and agrees through the proposition of his amendment that a good faith exception shall exist in the warrant arrest. That is a great departure from all that we have heard for 12 years in this Chamber, particularly from the colleagues of the gentleman from Michigan. But I congratulate him on doing that. Because we have come a long way, baby, if indeed you come and plead with the House to pass an amendment that would provide a good faith exception to a warrant arrest.

□ 1650

I am exorbitantly pleased at the gentleman's gesture, but at the same time, I want to tell the gentleman the second part and he may not want me to yield. I oppose the amendment because it goes against the purpose of the main bill, namely, to extend that good faith exception, that trust that we want to reside in the law enforcement officer when he acts in good faith in warrantless situations. We know that in several jurisdictions the warrantless good faith exception has already been installed in the intermediary Federal courts, and so, if we adopt the amendment of the gentleman, we would be, in effect, taking a step backwards from the upward march of the good faith exception in the warrantless situations, which has already been blessed by some of the intermediary Federal courts.

Mr. Chairman, nothing infuriates the public more than the spectacle of a criminal standing before the judge, facing his prosecutors and learning right there in open court that his case, where he was caught red-handed in a burglary, red-handed in an assault, red-handed in some heinous crime, to find that the judge dismisses his case right there in open court for the sake of a

technicality that we have seen over and over and over again. That infuriates the American public in itself, and then doubles the fury when we see that criminal walking out of court, in effect literally and figuratively laughing at the judge, laughing at the prosecutor, laughing at the witnesses who testified against him, laughing at the system of justice, and perhaps encouraging him to commit the same kind of offense later, knowing, sophisticated criminal that he might be, that he can escape justice on a technicality.

What we are about here today is to put some fear of God in that criminal, and remove the technical release from the prison of the hardened criminal and to allow our law enforcement community in whom we have faith to bring about a sense of safety in the streets in a good faith exception to the exclusionary rule. That is not too much to ask.

Let us defeat the gentleman's amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. Having said that, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, first of all I am always pleased to receive congratulations from my colleague from Pennsylvania with whom I have worked on these matters across the years.

May I remind the gentleman that intermediate court decisions are secondary at best to Supreme Court decisions on this subject. And that anybody that is caught red-handed would be brought within the exclusion to the exclusionary rule, known in the Supreme Court case as *Washington versus Chrisman*, where anything that happens criminally in plain view vitiates the need for any kind of a warrant.

Finally, could the gentleman give me one example where H.R. 666 would operate in a different way from the amendment that I have before the gentleman and which is current law?

Mr. GEKAS. Seizing back my time, I will be glad to prepare a white paper for the gentleman and outline it.

Mr. CONYERS. No; right here on the floor.

Mr. GEKAS. The issue at hand is whether or not we want to extend the good faith exception to the warrantless arrests. That is the issue.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Virginia for yielding.

What the gentleman from Pennsylvania has proved here today is he cannot tell us why he would change the existing law, which I am codifying by amendment in the Leon case. He does not have an example, because we have already given dozens of exceptions to the exclusionary rule and there is not one he can even make up now on the floor or ever that would justify what

they are trying to do to the exclusionary rule, and I thank my friend for yielding to me.

Mr. SCOTT. Mr. Chairman, the proposed Conyers amendment seeks to codify the 1984 Supreme Court decision in *United States versus Leon*, where the Court held that the exclusionary rule should not be used to bar evidence gathered by officers acting in a reasonable reliance on a search warrant issued by a magistrate but ultimately found to be improper. Although this amendment in and of itself dilutes the exclusionary rule, I support it for it does far less damage to fourth amendment rights than the bill before us and does not go further than what is already current Supreme Court case law.

On the other hand, Mr. Chairman, the underlying bill is a radical departure from established precedent and would radically extend the permissibility of warrantless searches. It would allow evidence gathered from warrantless searches to be admitted. Indeed, the *Leon* court explicitly states that it strongly prefers searches with warrants to warrantless searches, because the process of obtaining a warrant, that process by itself provides safeguards against improper searches.

Mr. Chairman, the fourth amendment allows the State to breach the individual's right to privacy only when the amendment's rules are followed.

As Justice Oliver Wendell Holmes said, the fourth amendment protects the individual's legitimate expectation of privacy—"the right to be let alone—the most comprehensive right and the right most valued by civilized man."

The heart of the fourth amendment is the issuance of a warrant based on probable cause. In obtaining a warrant the police officer goes before a magistrate and shows that the totality of the circumstances indicate that there is evidence of a crime, in effect, that he has probable cause. The cost of conducting constitutional searches is not high. The process of obtaining a warrant is not cumbersome for police. It has been shown that a magistrate will take an average of 2 minutes and 45 seconds to approve a search warrant. The vast majority—over 90 percent—of warrant applications are approved. Police officers can even obtain a warrant over the telephone.

Critics of the exclusionary rule exaggerate its practical significance in the disposition of cases. They talk vaguely of enormous numbers of criminals walking because evidence either was or probably will be excluded. This argument is simply not supported by responsible statistical studies. Adherence to the fourth amendment and use of the exclusionary rule does not result in large numbers of criminals being set free. For example, a study by the Comptroller General's office found that suppression motions were granted in only 1.3 percent of Federal cases.

The leading commentator on search and seizure law has found that,

... the most careful and balanced assessment of all available empirical evidence

shows that . . . the cumulative loss in felony cases because of prosecutor screening, police releases and court dismissals attributable to the acquisition of evidence in violation of the Fourth Amendment is from 0.6% to 2.35%. (W. LaFave, "The Seductive Call of Expedience: *U.S. v. Leon*, Its Rationale and Ramifications," 1984 Ill. L. Rev. 895, 913.)

Historically, searches without warrants were judged unreasonable and illegal. Only under certain tightly defined circumstances were warrantless searches considered legal. Today, the basic rule holds. Warrantless searches are allowed only in the unusual circumstances, as the ranking Member, Mr. CONYERS, has indicated.

Mr. Chairman, H.R. 66 would allow so called good faith warrantless searches. This would mean the demise of the warrant process, and its attendant protection. Instead of a warrant issued upon probable cause, we would have good faith. The bill would mean that good police practice would be discouraged. It would be unnecessary for police officers to prepare an affidavit requesting a warrant from a neutral magistrate. The determination of whether probable cause exists would no longer be made before the search, as I believe is consistent with the letter and spirit of the fourth amendment. There would be after-the-fact determination of whether or not the police officers acted in so-called good faith.

There is no substitute, Mr. Chairman, for the fourth amendment. We know police officers will always be able to make up after-the-fact excuses for the search. The fourth amendment protects the innocent public from illegal searches. Police should not conduct illegal searches, they should not conduct illegal arrests. The exclusionary rule removes the incentives that they would have for such law breaking.

In summary, Mr. Chairman, the Conyers amendment maintains a balance to protect innocent people from illegal searches, and I urge the House to adopt it.

Mr. RUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this exclusionary rule, this move to enact H.R. 666. Mr. Chairman, as I sat in my office and listened to the debate, I must tell Members of this body that I became more terrified about this piece of legislation than I have been about any legislation that I have been asked to consider as a Member of this body since I was elected to this office representing the First Congressional District of Illinois.

Mr. Chairman, I believe that I am the only Member of this body to ever have been victimized by illegal search and seizure by a member of the police force in this Nation, the city of Chicago police force.

A little over 25 years ago, Mr. Chairman, there was an illegal search and seizure conducted by the Chicago Police Department within the city of Chicago.

□ 1700

As a result of that illegal search and seizure, admittedly illegal search and seizure by the Chicago Police Department, two individuals were killed, seven individuals were wounded. They also, the survivors of that particular raid in the city of Chicago, had the right to sue. They did sue. The county of Cook settled out of court, but it did not bring life back to the two individuals who were killed. That was December 4, 1969.

December 5, 1969, Mr. Chairman, my apartment was also raided illegally, supposedly in search of guns. They did not come with a warrant. They came with weapons pulled, weapons blazing. They shot my door down.

Fortunately I was not at the apartment. My family was not at the apartment at that time. They entered my apartment, did not find any weapons, but yet and still, they justified it, Mr. Chairman, Members of this body, by saying that they, in fact, did find contraband in my apartment; they did find a bag of what they identified at the time, a bag of marijuana in my apartment.

Mr. Chairman, upon further research and upon actions by my attorneys at the time, my attorneys took them to court, and in court they indicated that that bag of marijuana where they had shot my door down, guns blazing, threatening; had I been there, I would have been killed also, and my family would have been killed, wiped out totally, they found that that bag they called marijuana was nothing more than bird seed.

Mr. Chairman, Members of this body, there is no such thing as giving the police force exclusionary rights. Those individuals who are advocates of this particular measure, they can rush to judgment, they can rush to enacting this piece of legislation simply because of the fact that it might look good on their resume to their voters in their districts, it might sound good in terms of being politically correct, and that they are tougher than tough in regards to enforcing the laws of this Nation. It might sound like they are friends of the police departments, and we all understand that the police departments are under siege right now from a number of sources throughout the Nation.

But, Mr. Chairman, in human context, in human terms, this legislation in more instances than not would mean life and death for certain individuals, individuals who have been ostracized, cast aside by law enforcement officers and by the status quo.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. RUSH] has expired.

(At the request of Mr. CONYERS and by unanimous consent, Mr. RUSH was allowed to proceed for 3 additional minutes.)

Mr. RUSH. Mr. Chairman, I must say to you that although at the time, 25 or more years ago, a little over 25 years ago, back in the city of Chicago we felt

as though we had no friends. We felt as though the power of this Nation was coming down on our backs as young men who felt, young men and young women, who felt that we wanted to challenge the status quo.

I must say that it was Members of this body led by the distinguished gentlemen from Michigan who did come into Chicago, the Congressional Black Caucus, and put the skids, put the skids on the type of police atrocities and police violations of the law and police murder that was occurring in the city of Chicago, put the skids on that. They came in, and they conducted a hearing, and because they did focus national attention on what was happening in Chicago, police forces there backed up and subsequently were found, they admitted, that they had no legal grounds to murder two individuals, and so they had no legal grounds to come into my apartment to seize and to search and seize in my apartment and to charge me with a felony of which it was baseless. It was groundless. It was only an excuse, only an excuse, Mr. Chairman, to take my life away.

I must tell you that today that is the issue that is at stake for many, many Americans, whether or not we are going to have police forces throughout this Nation, any police force, given the arbitrary power for political reasons to invade someone's privacy, to invade their homes under the guise of arbitrary decisions that they want to make.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RUSH. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to commend the gentleman, because it takes a great deal of courage to go back into the past in very terrible times that were going on in Chicago, the Fred Hampton massacre and others, yourself who fought a very noble fight.

But is not it true that in cities like Chicago the police can go to a magistrate at any point 24 hours a day, 7 days a week; they are on duty, that for any reason whatsoever that they needed to go into your apartment or anybody else's, they could get a search warrant and if they had a reason, if they did not have a search warrant, they have all of these other exceptions that could have been used, and none of them apply to you?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. RUSH] has again expired.

(At the request of Mr. CONYERS and by unanimous consent, Mr. RUSH was allowed to proceed for 1 additional minute.)

Mr. RUSH. Mr. Chairman, the gentleman's inquiry is absolutely correct. Right now in the city of Chicago, the police are authorized to go to any judge, be they a sitting judge or be they any other type of judge, they can go to a judge on a 24-hour basis, any judge within the city of Chicago, any

judge within the county of Cook, any Federal magistrate. They can go to any judge and get a warrant to enter into anyone's home to search anyone's home or vehicle or whatever, their private possessions. They do have that authority at this moment in time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

## RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 291, not voting 5, as follows:

[Roll No. 98]

AYES—138

Abercrombie	Gonzalez	Orton
Ackerman	Green	Owens
Baldacci	Gutierrez	Payne (NJ)
Barrett (WI)	Hall (OH)	Pelosi
Becerra	Hastings (FL)	Pomeroy
Beilenson	Hilliard	Poshard
Bentsen	Hinchee	Rangel
Berman	Hoyer	Reed
Bishop	Jackson-Lee	Reynolds
Bonior	Jefferson	Richardson
Boucher	Johnson, E. B.	Rivers
Brown (CA)	Johnston	Rose
Brown (FL)	Kaptur	Roybal-Allard
Brown (OH)	Kennedy (MA)	Rush
Bryant (TX)	Kennedy (RI)	Sabo
Cardin	Kennelly	Sanders
Clay	Kildee	Sawyer
Clayton	Klecicka	Schroeder
Clyburn	LaFalce	Schumer
Coleman	Lantos	Scott
Collins (IL)	Levin	Serrano
Collins (MI)	Lewis (GA)	Skaggs
Conyers	Lofgren	Slaughter
Coyne	Lowe	Stark
DeFazio	Maloney	Stokes
DeLauro	Markey	Studds
Dellums	Martinez	Stupak
Dicks	Matsui	Thompson
Dingell	McCarthy	Thornton
Dixon	McDermott	Thurman
Doggett	McKinney	Torres
Durbin	Meehan	Torricelli
Engel	Meek	Towns
Eshoo	Menendez	Tucker
Evans	Mfume	Velazquez
Farr	Miller (CA)	Vento
Fattah	Mineta	Visclosky
Fazio	Minge	Volkmer
Fields (LA)	Mink	Ward
Filner	Moakley	Waters
Flake	Mollohan	Watt (NC)
Foglietta	Nadler	Waxman
Ford	Neal	Williams
Furse	Oberstar	Wise
Gejdenson	Obey	Woolsey
Gibbons	Olver	Wynn

NOES—291

Andrews	Boehlert	Chapman
Archer	Boehner	Chenoweth
Armey	Bonilla	Christensen
Bachus	Bono	Chrysler
Baesler	Borski	Clement
Baker (CA)	Brewster	Clinger
Baker (LA)	Browder	Coble
Ballenger	Brownback	Coburn
Barcia	Bryant (TN)	Collins (GA)
Barr	Bunn	Combest
Barrett (NE)	Bunning	Condit
Bartlett	Burr	Cooley
Barton	Burton	Costello
Bass	Buyer	Cox
Bateman	Callahan	Cramer
Bereuter	Calvert	Crane
Bevill	Camp	Crapo
Billbray	Canady	Cremeans
Bilirakis	Castle	Cubin
Bliley	Chabot	Cunningham
Blute	Chambliss	Danner

Davis	Johnson (CT)	Portman
de la Garza	Johnson (SD)	Pryce
Deal	Johnson, Sam	Quillen
DeLay	Jones	Quinn
Deutsch	Kanjorski	Radanovich
Diaz-Balart	Kasich	Rahall
Dickey	Kelly	Ramstad
Dooley	Kim	Regula
Doolittle	King	Riggs
Dornan	Kingston	Roberts
Doyle	Klink	Roemer
Dreier	Klug	Rogers
Duncan	Knollenberg	Rohrabacher
Dunn	Kolbe	Ros-Lehtinen
Edwards	LaHood	Roth
Ehlers	Largent	Roukema
Ehrlich	Latham	Royce
Emerson	LaTourette	Salmon
English	Laughlin	Sanford
Ensign	Lazio	Saxton
Everett	Leach	Scarborough
Ewing	Lewis (CA)	Schaefer
Fawell	Lewis (KY)	Schiff
Fields (TX)	Lightfoot	Seastrand
Flanagan	Lincoln	Sensenbrenner
Foley	Linder	Shadegg
Forbes	Lipinski	Shaw
Fowler	Livingston	Shays
Fox	LoBiondo	Shuster
Frank (MA)	Longley	Sisisky
Franks (CT)	Lucas	Skeen
Franks (NJ)	Luther	Skelton
Frelinghuysen	Manton	Smith (MI)
Frisa	Manzullo	Smith (NJ)
Funderburk	Martini	Smith (TX)
Galleghy	Mascara	Smith (WA)
Ganske	McCollum	Solomon
Gekas	McCrery	Souder
Geren	McDade	Spence
Gilchrest	McHale	Spratt
Gillmor	McHugh	Stearns
Gilman	McInnis	Stenholm
Goodlatte	McIntosh	Stockman
Goodling	McKeon	Stump
Gordon	McNulty	Talent
Goss	Metcalf	Tanner
Graham	Meyers	Tate
Greenwood	Mica	Tauzin
Gunderson	Miller (FL)	Taylor (MS)
Gutknecht	Molinari	Taylor (NC)
Hall (TX)	Montgomery	Tejeda
Hamilton	Moorhead	Thomas
Hancock	Moran	Thornberry
Hansen	Morella	Tiahrt
Harman	Murtha	Torkildsen
Hastert	Myers	Traficant
Hastings (WA)	Myrick	Upton
Hayes	Nethercutt	Vucanovich
Hayworth	Neumann	Waldholtz
Hefley	Ney	Walker
Hefner	Norwood	Walsh
Heineman	Nussle	Wamp
Herger	Ortiz	Watts (OK)
Hilleary	Oxley	Weldon (FL)
Hobson	Packard	Weldon (PA)
Hoekstra	Pallone	Weller
Hoke	Parker	White
Holden	Pastor	Whitfield
Horn	Paxon	Wicker
Hostettler	Payne (VA)	Wilson
Houghton	Peterson (FL)	Wolf
Hutchinson	Peterson (MN)	Wyden
Hyde	Pickett	Young (AK)
Inglis	Pombo	Young (FL)
Istook	Porter	Zeliff
Jacobs		Zimmer

NOT VOTING—5

Allard	Gephardt	Yates
Frost	Hunter	

□ 1726

On this bill:

Mr. Gephardt for, with Mr. Allard against.

Messrs. COSTELLO, BARCIA, and DICKEY changed their vote from "aye" to "no."

Mr. TORRES and Mr. GONZALEZ changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WATT of North Carolina: Page 2, line 13, strike all after the word "States," and insert the following:

"provided that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Mr. WATT of North Carolina. Mr. Chairman, Members of the House, this amendment would simply have the effect of providing that evidence could be admitted into court after a search and seizure providing that the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched.

□ 1730

If this language sounds familiar to the Members of this body, it is the exact language of the fourth amendment of the U.S. Constitution.

I want to start by thanking my sponsors of this amendment, Mr. DEFAZIO and Mr. FIELDS, for jointly sponsoring this. We believe in the Constitution of the United States.

Mr. Chairman, after I addressed the body in general debate and after I addressed the body on the balanced budget amendment, several of my colleagues have asked me why I get so excited about the Constitution of the United States.

They ask me, "Why are you so conservative when it comes to the Constitution of the United States?"

I respond to them that we all bring our different perspectives to this body. We all bring our different histories to this body. We heard an eloquent example of this during the last debate from the gentleman from Chicago [Mr. RUSH].

My history is this: I learned the Constitution from a constitutional specialist, Robert Bork. My friends on the other side may understand that. They know him well, a very conservative gentleman. I also studied under Professor Emerson.

These two gentleman were at opposite ends of the spectrum. But one thing they believed vigorously in was the Constitution of the United States. And when I started practicing law, it was not surprising that the first jury trial that I handled called into question the first amendment provisions, because I was called upon to represent the interests of a group of native Americans who had been demonstrat-

ing against attending school with black kids. And despite the fact that I disagreed with them in what they were demonstrating about, I thought they had a right to demonstrate and to the protection of their first amendment rights.

Later my law firm was called upon to represent the Ku Klux Klan when they were demonstrating, and we also protected their rights to demonstrate under the first amendment, despite the fact that we disagreed with what they were demonstrating about.

So my commitment to the Constitution does not have anything to do with whether I agree with somebody or disagree with somebody. My commitment is to defend the Constitution. And when I took the oath in this body, my commitment to that proposition continued.

It is a conservative philosophy which I espouse. I love the Constitution of the United States. Even when it is not convenient for me to love it, I still think it needs to be defended and protected, contrary to some of my colleagues, apparently, in this body.

For over 205 years now we have had this sacred language in the fourth amendment of the Constitution. It says that people ought to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures. Today my colleagues come in with new language, trying to add some other language that they would have the Supreme Court go back and interpret for 200 more years.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(At the request of Mr. WISE and by unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 3 additional minutes.)

Mr. WATT of North Carolina. Mr. Chairman, it is my opinion that this bill is going to generate 200-plus more years of litigation, because the language justifying an objectively reasonable belief is no more precise than the language of the fourth amendment of the Constitution which exists currently.

My colleagues on the Republican side would have us believe that they can wave a magic wand and craft some language that is so clear, so crystal clear, that there will not be any litigation about it. But, my friends, the crafters of our Constitution drafted this language, and I would submit to you that my colleagues on the other side are no smarter than the drafters of the original Constitution and the Bill of Rights.

Mr. Chairman, I hope that we can fight to uphold the constitutional provisions. I do not know anybody in this body who can vote against this basic amendment. All it does is say we are going back to the fourth amendment of the U.S. Constitution. I hope anybody who will vote against this amendment will go home and look their constituents in the eye and say, "I voted against the fourth amendment."

Mr. McCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think everybody here needs to understand that though the gentleman may be acting quite in good faith, and I know he believes sincerely what he is doing, Members need to understand that this amendment guts the bill as it now is written altogether. While the gentleman is offering a provision of the Constitutional language that clearly is already there, and we might all want to say, "Hooray, we are going to vote for that," what we have to realize is the gentleman is saying we are going to put it in a place in this bill that comes very early in the bill, after about three lines, and then strike the entire rest of the bill, H.R. 666, so there will be no good-faith exception for any purpose in this bill when it is done. All we will be doing is reproducing in bill form the fourth amendment to the Constitution.

In essence, it is another way of voting against this bill. If you want to vote the bill down, it is another way to proceed to do that.

It is demeaning, in my judgment, to the Constitution in the second order of things to go out and reproduce the Constitution or 1 of the 10 amendments in the Bill of Rights as a statute. It is in the most sacrosanct document we have. It is in our Constitution. I do not think it calls for any reproduction to ratify our belief in the Constitution in some statutory form.

So really there are two reasons to vote against this: If you believe, as I do very strongly, in wanting to reaffirm an exception to the exclusionary rule and expand that exception, which this bill does, to allow us to get more evidence in in search and seizure cases, and get more convictions and get away from technicalities letting people who have committed crimes off the hook, then you need to vote against this amendment.

□ 1740

Because the amendment just does away with that possibility altogether. And by perhaps the interpretation somebody could place on it, it does not just do away with an expansion of that good faith rule, it is quite possible the Supreme Court would come in and say, "aha, Congress has spoken and we have to do away with the good faith exception we have already carved out for cases where there are search warrants" because we are presumably enacting this provision of the Constitution in conjunction with the debate we are having today and with language that talks about search and seizure evidence being admissible or not.

So I would submit to my colleagues on both sides of the aisle that this is a worse amendment than the preceding amendment we just voted down. This amendment goes further and potentially can destroy the entire concept of any exceptions to an exclusionary rule whatsoever. In other words, it could go all the way back and say, look, if there

has been any illegal search and seizure, even if done in good faith with a search warrant, it is out the window. Forget the Leon case. Forget any of those other cases.

I would urge my colleagues to defeat the amendment. It is offered, I know, in good faith, but it turns out to be very mischievous, guts this bill and should be defeated.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment and would respond to the previous speaker before me on the floor. The gentleman finds that somehow by substituting the exact wording of the fourth amendment to the Constitution, wording which the Supreme Court in its wisdom has interpreted and finds allows exceptions in cases of good faith with searches which involve warrants, the gentleman feels that by restating the fourth amendment that somehow we would overturn that judgment of the Supreme Court. That is an absurd argument.

The Supreme Court has rendered an opinion on these words previously and the Supreme Court has found a limited good faith exception in cases where warrants exist.

But what the other side would do here today is trash the fourth amendment to the Constitution by saying, no, even though the courts have not found exceptions in cases where there are warrantless searches, we feel that should happen. Or one gentleman mentioned some lower courts have found in some limited cases that warrantless searches might be acceptable. We have already talked at great length on this floor about where exceptions exist and have great precedent, and apparently there are perhaps some others coming up through the court. Let the Supreme Court render that judgment on the fourth amendment which has stood for more than 200 years.

Now, I perhaps suffer a disadvantage in this debate. I am not one of the many attorneys in the House of Representatives, but then again, nonattorneys outnumber attorneys still in this country, perhaps for a little while longer. Many of us are attached to the Bill of Rights in the Constitution, particularly the fourth amendment. And I believe that this goes to the issue of us being secure in our homes.

This is not about a drug deal on the street. It is not about two people hugging with a gun sticking out of their pocket or drugs in the park. It is not about that at all. It is whether or not someone, an officer of the law, has to spend 2 to 3 minutes on the telephone convincing a magistrate that they have probable cause before they kick down someone's door. I do not think that 2 or 3 minutes is an inconvenience. They already have many exceptions, when there is imminent threat, many exceptions when there is a crime in progress, many exceptions when they have a warrant.

But warrantless searches, broadly construed, are a threat to the security of the people of this country. And they certainly are a threat to the continued sanctity of the fourth amendment to the Constitution. So restating that amendment here in this law does not threaten the precedents and the exceptions that have been taken previously.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. The gentleman is really saying that without the seven exceptions created by the Supreme Court, the Constitution still requires that one gets a warrant.

Mr. DEFAZIO. That is correct.

Mr. CONYERS. And what that means then is that the gentleman's bill itself will soon be rendered unconstitutional. And I think that this proposal, which repeats the fourth amendment, will likely stand.

Mr. DEFAZIO. And it would certainly reinforce the exceptions, the seven exceptions already created by the Supreme Court and allow any other exceptions to be heard upon their merits, particularly these lower cases we heard vaguely referred to earlier.

What we would not do is sanctify warrantless searches. I do not believe, as a layperson, in a body and before these many esteemed lawyers, that my constituents want to see this country move toward a system of warrantless searches. That is what this legislation before us would do.

I urge my colleagues to support this amendment. And if this amendment fails, to vote against 666.

Mr. FIELDS of Louisiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment because it is an amendment that makes a lot of sense and is an amendment that this body should adopt.

Let me give Members a couple reasons why. The gentleman to my right mentioned that there were no constitutional problems with this bill as it is. But let me just read one portion of the bill that I find a very significant constitutional flaw with.

And that is on line 8, it starts by saying:

Evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment of the Constitution.

What this bill actually would do, this bill would basically make the fourth amendment of the Constitution moot. And I do not think that this body, first of all, has the legal responsibility nor the right to violate the Constitution by making an amendment of the Constitution moot. So, therefore, I think the bill in itself is unconstitutional, not to mention unconscionable.

We talk about this bill being a bill to deal with the criminals. The biggest criminal act is the passage of this piece of legislation. Because what we are

doing to the poor citizen on the street, we are telling them that they have less rights. They cannot have a fourth amendment to the Constitution. They cannot have that protection, if a law enforcement officer chooses to knock their door down or to pull them on the side and search their belongings, go into their home and search their belongings without a warrant. I think that is simply unconscionable, not to mention unconstitutional. So I would urge the Members of this body to actually look at the Constitution before we pass this piece of legislation.

I mean, I am all for a contract for America, but I do not think a contract ought to be to dismantle the Constitution of the United States of America. So if we support the Constitution, the fourth amendment of the Constitution, and all of us as Members of this body, when we arrived here in January, all of us, each and every last one of us, raised our right hand and we said in no uncertain terms that we were going to abide by the laws of the United States of America, which includes the Constitution of the United States of America, so to come here and to undo the fourth amendment of the Constitution by taking the rights away from a citizen and say, under the guise that we are doing something about crime and we are being tough on crime, when some poor soul is sitting at home tonight, if the passage of this legislation, if this legislation passes tonight, some soul in the future sitting at his house, inside of his home, watching his television, some Rambo cop can bust down his door, search his belongings, go through all of his belongings and say that they have a constitutional right to do so because of this legislation, I think that is unconscionable.

I would urge the Members of this body to seriously look at what we are about to do. I do not think there is any member in this Hall that would want to pass a law that would take away a Member's constitutional rights, fourth amendment constitutional rights. And that is exactly what this bill would do.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very concerned about the procedure here, because as I read this amendment, this is the fourth amendment to the Constitution. We are being asked, as Members of the House, do we or do we not support the fourth amendment. And I have taken this well before saying, I really thought that H.R. 666 repealed it, and here is a chance for us to now say, we are not repealing it, as the gentleman from Louisiana just said.

My real question is, can any Member vote against this? Because we are all sworn to uphold the Constitution. The fourth amendment is part of the Constitution.

□ 1750

I think parliamentary-wise, it is a very interesting question as to what

would happen if Members vote directly against a part of the Constitution. I do not think we have ever had that on the floor before, as long as I have been here.

Mr. Chairman, I wanted to ask the esteemed ranking Member, is this not absolutely the entire fourth amendment, all jot and tittle? This is it, is that correct?

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, this is the fourth amendment to the Constitution. I have never remembered voting on it, Mr. Chairman, and what happens here is that the reason that he had to replace it in its entirety is that there is a great likelihood that the McCollum bill, as it is written, will subsequently be found unconstitutional itself, so we not only have our obligation to the Constitution, but we fortunately had this replaced from a provision I think is unconstitutional, and predict it will never stand court muster. Therefore, I support the gentleman as well.

Mrs. SCHROEDER. Let me ask the gentleman, too, Mr. Chairman, from his history, does the gentleman have any idea what happens if a Member of Congress takes the well and at the beginning of each session, pledges to uphold the Constitution? Does anyone know what happens if they do not vote to uphold the fourth amendment? What will happen if people vote against it?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further, this is the 104th Congress. The question has never arisen before. Let us all stay tuned.

Mrs. SCHROEDER. Mr. Chairman, I certainly hope everybody votes to uphold the Constitution. I think we have seen an awful lot of silliness, but one of the things every American says is their home is their castle, and your home is not your castle if anybody can come knock down the door any time they want without a warrant. This is one of the premises that our forefathers and foremothers felt very strongly about.

Mr. Chairman, I think if we do not stand for this, we do not stand for anything. The people who sent us here and thought we were sworn to uphold the Constitution, if we vote against this, Mr. Chairman, they are going to really wonder. They are going to really wonder, and I would not blame them at all if they wanted their money back for the salaries of the people that maybe had their fingers crossed when they took that oath. Mine were not.

Mr. Chairman, I will probably vote for this amendment, and I think the gentleman from North Carolina is to be complimented in reminding us all, let us stop this silliness with the contract and realize our real contract is the Constitution of the United States, that every Member of this body is pledged to uphold.

I thank the gentleman from North Carolina [Mr. WATT] for reminding us of that.

Mr. BISHOP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to echo what I have heard from the gentleman from North Carolina [Mr. WATT] and the distinguished gentlewoman from Colorado [Mrs. SCHROEDER]. I, too, remember the oath that the Members of this body took when we were sworn into this office.

I just went up to the Clerk's desk and asked the Clerk to allow me to refresh my recollection. We said:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same.

This bill, Mr. Chairman, does not do that. In fact, in order to save this body in terms of our integrity, we must support the Watt amendment, because the Watt amendment reaffirms the fourth amendment to the U.S. Constitution. To vote against the Watt amendment is to vote against the fourth amendment to the Constitution. To vote against the Constitution is to violate the oath of office that each and every Member of this body took to uphold, to support, and defend that Constitution.

As the gentlewoman from Colorado [Mrs. SCHROEDER] so eloquently stated, our contract is the Constitution of the United States. Let us have a contract with and for America, not a contract on America.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I feel a chill in the air this afternoon. I think we are about to see a very dark day in history of the United States of America, the beginning of the police state. I submit that historians looking back will write that America's liberty began to erode in 1995 when they undertook to substitute language for the fourth amendment.

Mr. Chairman, I think one of the great fears that the science fiction writers write about is the black-clad storm troopers that break through your door, seizing whatever they might, seizing your personal items. That is the modern-day version of what our forefathers in the fourth amendment were afraid of.

Today, Mr. Chairman, I believe if the majority prevails we are about to undertake the beginning of that scenario.

That is not a question of whether we trust police officers. As an attorney, I represented police officers and I know them to be hard-working, dedicated public servants, but I also know from their own mouths that they are not above making conscious mistakes. I also know that there are instances in which they go beyond the bounds of the law.

My statement is not to indict police officers, Mr. Chairman, I am here to commend them, but rather to say that the protections contained in the fourth

amendment were designed to protect the most precious group of people in this society, more precious even than police officers; that is, the U.S. citizenry.

Therefore I say, Mr. Chairman, today, that this could be a very dark day in the history of the United States when we suspend the rights so dearly protected in the fourth amendment, and in its place allow individuals to state what they thought they were doing, what they wanted to do, what they intended to do, rather than provide what the Constitution provides, that the people shall be secure, secure in their person.

Mr. Chairman, I urge the adoption of the Watt amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, two things I think we should point out. One is that we are not talking about here a rule that goes back to the foundation of the Constitution. In fact, as I understand it, it first appeared in 1914, and then the exception, good faith exception, appeared in 1984, so we are not talking about the founding documents.

The second thing I think is important to point out is that we are not talking about here some sort of an abuse of process. What we are talking about simply is the ability of police officers and prosecutors to use material seized in good faith, in this case with a warrantless search.

I think it makes a whole lot of sense. It makes a whole lot of common sense to the American people. I do not see any violence being done to the fourth amendment.

I do, however, see some violence being done every time we would have some kind of an issue on the floor that we would put up for a vote a piece in the Constitution. I suppose that means that if we get into a debate on last year's crime bill, somebody could have arisen and suggested that we reiterate the words of the second amendment.

It does not really make much sense to go around reiterating in statute form the words of the Constitution. I am very happy to affirm those words, because they are very meaningful, but it really does not have much legal significance to affirm those words by statute.

That is to demean the Constitution of the United States, because it is not a statute. It is not amendable here on the floor of this House, but only by the people of this country after two-thirds vote here and three-fourths of the States ratify it.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I am happy to yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just simply wanted to inquire of the gentleman from South Carolina whether he agreed with the

gentleman from Florida [Mr. MCCOLLUM] that this amendment guts the bill by putting in the provisions of the fourth amendment, which is the Constitution.

Is it the gentleman's opinion that, as the gentleman from Florida has expressed, that it guts the gentleman's bill?

Mr. INGLIS of South Carolina. Mr. Chairman, reclaiming my time, I would say to the gentleman, I really cannot figure out exactly what the amendment does, to tell the truth. The legal significance of the amendment is an absurdity, really. It is from the Constitution. I just see it as a legal absurdity.

Mr. WATT of North Carolina. Mr. Chairman, if the gentleman will yield further, I do not know how this could be an absurdity unless the fourth amendment itself is an absurdity. The words speak for themselves. They say exactly what the fourth amendment says.

It seems to me that preserves the Constitution, not denigrates the bill.

Mr. INGLIS of South Carolina. Reclaiming my time, Mr. Chairman, I would simply say to the gentleman from North Carolina, it just does not make sense to go around restating in statute form the words of the Constitution of the United States. It is as though we have to shore up the Constitution.

I do not see any need here to shore up the Constitution. The Constitution is the Constitution, regardless of what we do here on the floor today. We cannot amend it here on the floor. I know, as somebody involved in the term limit effort, it is hard to amend the Constitution of the United States.

We do not need to, by simple statute, do something that really has no legal effect. It is just to repeat the words of the fourth amendment.

□ 1800

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I am happy to yield to the gentleman from Florida. I believe he wanted to have some further words about this.

Mr. MCCOLLUM. Mr. Chairman, I do want to reiterate what I said earlier. I do think this does gut the bill. I think it guts it for the simple reason it strikes out three-quarters of the bill. It takes out the good faith exception that we tried to put in the bill. It is as simple as that.

It is not that there is anything wrong with the Constitution or any of the language that the gentleman is offering. It is that what it does in the process is just strike after the word "States" everything there that talks about a reasonable and objective standard for making an exception to the exclusionary rule that will let us get more evidence in and get more convictions. So that is why I am opposed to the amendment, and I certainly understand there are Members on the other side that think somehow this whole ex-

clusionary rule debate is going to violate the fourth amendment and do away with it. It does no such thing.

The particular provisions we are proposing today have been in existence for quite a number of years in two Federal circuits, and I have never heard anybody come forward and complain that there has been some unreasonable search and seizure, the police have been abusing this in those jurisdictions. That covers quite a number of States, 14 or 15 States.

It is just not practical to continue to have two of the circuits on one path and the rest of the country on another on the rules of evidence in this country when we need to get more evidence in to get convictions. These technicalities are killing a lot of our police officers' efforts and the prosecutors' efforts to get convictions.

I do not see why we should allow an amendment like this one that would just totally wipe out the bill, and that is what it does.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. INGLIS] has expired.

(On request of Mr. WATT of North Carolina and by unanimous consent Mr. INGLIS of South Carolina was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, it seems to me the only way one could conclude that this guts the bill is to say that the rest of the bill is somehow inconsistent with the fourth amendment. I am wondering whether that is what the gentleman from Florida is saying, because that is the only way I could see the actual language of the fourth amendment being inconsistent and gutting the rest of the bill, if the rest of the bill is somehow inconsistent with the fourth amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, reclaiming my time if I may, before I yield to the gentleman from Florida I would say this is the only reason it would. I would say to the gentleman from North Carolina we are making positive progress here and the gentleman simply goes back to restate law that is actually the constitutional law and, therefore, he obliterates all of the forward progress. I think that is fairly obvious as to why this would gut the bill. We are not making any forward progress.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. INGLIS] has again expired.

(On request of Mr. MCCOLLUM and by unanimous consent Mr. INGLIS of South Carolina was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I think the gentleman from North Carolina over here is making a point about something that is misleading in a sense. I know he does not intend it to be. The truth of the matter is, all of us believe in the fourth amendment, all of us believe in the Constitution, and there is nothing that I would not do to embrace it. If we had a vote out here tomorrow to say BILL MCCOLLUM, vote for the fourth amendment, I would be in there saying I would certainly vote for it. I cannot imagine anybody who would not vote for it.

But that is not what the gentleman is asking us to do. He is asking us to wipe out the bill in the process of voting for the Constitution. It is not inconsistent on our part to say heck, we do not want to do that. The Constitution stands free and clear in its own right. We do not disturb it. But we want to modify a rule of court that has been used for a number of years in certain ways to patrol this constitutional right. That is all we want to do. We do not want to wipe out the right, and I thank the gentleman for yielding.

Mr. BARR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate that we have been hearing on the other side of the aisle strikes me, frankly, as rather absurd to be arguing that the only way to protect the fourth amendment, which the gentlemen on the other side of the aisle claim is their desire and their goal here, that the only way to do that is to codify it in statute. Really, as the gentleman from South Carolina said, it demeans the Constitution itself by taking something that is the highest law of the land, codified in the Constitution itself, and we have to put it into statute in order to give it meaning. That is absurd.

But the debate has reflected on something that is important, and that is language in the fourth amendment. Lost in a lot of this debate here is the notion that the fourth amendment contemplated that there would be searches and seizures. It was never the intent of our Framers that there would not be searches and seizures conducted in support of law enforcement and to protect the public welfare. It was contemplated that there would be warrantless searches and seizures subject to the standard of reasonableness, and that is precisely what this proposal in H.R. 666 does. It says that that standard of reasonableness is codified in the Constitution itself and shall apply, shall apply.

What this proposal in H.R. 666 would do, which I support, and which the amendment proposed by the gentleman from North Carolina would undo, is to provide a standard of reasonableness explicitly set forth in statute to give further meaning, to give further focus, to the fourth amendment of the Constitution of the United States. That is what the people have a right to expect under their Constitution, and to play these games of smoke and mirrors by saying the only way we can address

this problem is by gutting H.R. 666 and taking the amendment that we already have in the Constitution and codifying it, does a disservice to the debate which we have been trying to have here today.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to add a note of caution to all of those who are watching this debate and hope that throughout this land that Americans are going to watch very carefully how these votes get cast on this amendment, because what is in jeopardy here and now in this Congress is the very fabric and moral standing of our land written into the Constitution. That is the notion that Members of the U.S. Congress could not stand enthusiastically and embrace the fourth amendment, that they could not embrace the amendment offered by the gentleman from North Carolina, who simply asserts the wording of our Constitution which says we grapple with this issue about illegal searches, that we could be guided by that language, and I think that it sends a wake-up call to all of America.

I heard a Member of the other body say the other day that there have been in total some 75 amendments offered to the Constitution just since January 4. We have a group of Members who have come to Washington who on the one hand profess to support the Constitution, but on the other hand are trying in a wholesale fashion to change the very makeup of that Constitution, not just through constitutional amendments, but through other statutes and other attempts such as the one before us. I hope that we as Members of the U.S. Congress forget the contract for a minute and remember our oath to protect and stand in support of the Constitution and support the Watt amendment.

Mr. MOAKLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, they are quoting the sanctity of the Constitution, and I was just looking through the Bible at Revelations. I would like to quote:

[13] And I saw a beast rising out of the sea, with ten horns and seven heads, with ten diadems upon its horns and a blasphemous name upon its heads. And the beast that I saw was like a leopard, its feet were like a bear's, and its mouth was like a lion's mouth. And to it the dragon gave his power and his throne and great authority. One of its heads seemed to have a mortal wound, but its mortal wound was healed, and the whole earth followed the beast with wonder. Men worshiped the dragon, for he had given his authority to the beast, and they worshiped the beast, saying, "Who is like the beast, and who can fight against it?"

And the beast was given a mouth uttering haughty and blasphemous words, and it was allowed to exercise authority for forty-two months;

□ 1810

Skipping over,

It works great signs, even making fire come down from Heaven to earth in the sight

of men; and by the signs which it is allowed to work in the presence of the beast, it deceives those who dwell on earth, bidding them make an image for the beast which was wounded by the sword and yet lived; and it was allowed to give breath to the image of the beast so that the image of that beast should even speak, and to cause those who would not worship the image of the beast to be slain. Also it causes all, both small and great, both rich and poor, both free and slave, to be marked on the right hand or the forehead, so that no one can buy or sell unless he has the mark, that is, the name of the beast or the number of its name. This calls for wisdom: Let him who has understanding reckon the number of the beast, for it is a human number, its number is 666.

Mr. Speaker, I think this says it more than anybody else. It limits the authority to 42 months which is approximately 2 years, and the beast is named 666, and I say this is the beast we are dealing with today.

Mr. FOGLIETTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the so-called Exclusionary Rule Reform Act and support the Watt amendment. I talked to cops about what do we do on crime. My brother was a police officer, and I tell you that this is not on their minds. It is not the exclusionary rule or giving the Miranda warning.

What is on their minds is guns, police-killing bullets, and assault weapons.

If we want to spend that time in this House making life safer and easier for cops, we should continue the work we have done to take more weapons off our streets.

There are few things that we do in Washington that have worked so well as the exclusionary rule. It has passed the test of time for eight decades. Moreover, the Supreme Court has created one good-faith exception, in cases where an independent magistrate issuing a warrant has made a mistake, but the court, which is not known as a shrinking violet when it comes to crimes, has refused to expand exceptions like this for 10 years.

The exclusionary rule has improved police procedures, making them constitutional and fair.

This issue is a red herring, and the statistics bear this out. Only 1.37 percent of all evidence is thrown out in Federal cases.

Let us defeat this bill. In addition to being an assault on the Constitution, this is a waste of time and another gimmick. If I may again reiterate and re-quote just what the fourth amendment says, namely, that we are to be protected against unreasonable searches and seizures, that they shall not be violated, and no warrants shall be issued but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the person to be seized or things to be seized.

Mr. Chairman, nothing could be clearer, and to say that a warrantless

search is not in violation of this Constitution is ludicrous.

Let us support the Watt amendment. Let us preserve the right to be secure in our homes. Let us guarantee all Americans by our Constitution.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members, I rise in opposition to the Exclusionary Rule Reform Act and in support of the Watt amendment.

I am inspired to speak here because I heard one gentleman, the gentleman from South Carolina, say that we should not be quoting the Constitution. We would be a lot better off it, instead of reading the Contract on America in this body every day, that we would simply quote the Constitution, remind ourselves of what this magnificent document is all about. It begins, as you know, "We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Now, let us understand what was happening at that time and the history that we should never forget. When the citizens of Great Britain decided to leave, they left because of oppression and tyranny. They left because they simply wanted a quality of life that would provide them with some freedom and justice so that they could feel secure, and when they left to establish in the new land, they were invaded. They were imposed upon. They were violated. Their homes were broken into. Not only were they overtaxed, they were simply mistreated. They could not pursue justice, freedom and equality.

And they said, "We are going to establish a Constitution. We are going to establish in this new land a document that will protect us from tyranny."

Now, those of us who are involved in this body who are forever about the business of exporting democracies around the world, we are appalled, as we were appalled in South Africa at the fact that people's homes could be invaded, that whole towns could be torn down, that at any time of night or day the police could ride into an area, beat the people, dismantle their homes, literally invade them.

This Constitution protected us from this kind of invasion and violation. This document that set out to establish freedom, justice and equality, perfected by the Bill of Rights and the amendments, the first 10 amendments to the Constitution, simply said we will not allow people to be violated in the fashion that they were violated when they left their mother country.

These were not blacks. They were not Mexicans. They were basically people

who had left Great Britain. They kind of all looked alike.

But let me tell you, it does not matter whether you are black, white, green or any other color, if you find yourself in a situation where those who are ruling, those who are in power are so egotistical or so disrespectful or so unmindful of the fact that we all deserve the right to be free and they decide to move in your town or in your community a corrupt police force, corrupt elected officials, if they decide they are going to walk into your home, they are going to invade your property, they are going to violate the most precious of that that can be violated, the sanctity of the home, you allow them to do this when you mess around with this Constitution this way.

You will see a number of African-Americans on the floor today. You may wonder, "Why are so many African-Americans in this Congress so concerned about this exclusionary rule?" Well, we were not there when those who were fleeing the tyranny of Great Britain were being violated, but we were there as slaves. We were there when our doors were kicked down. We were there when children were grabbed away from their families, when people were sold into slavery, violated, and so we feel this very deeply. We understand this. We do not want anything to violate the fourth amendment of the Constitution.

This is not about some game we are playing. This is not about some political posturing. This is about protection of human and individual rights for the people, and the Constitution defends that, and it guarantees that.

Mr. GOODLATTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. This amendment is not about tampering with the Constitution. We are not doing that in any way, shape, or form here.

And this is poor legislative procedure to take language that is already law, consecrated law in our Constitution, and attempt to substitute it in a bill. All that has the effect of doing is abandoning to the Supreme Court our responsibility to interpret the Constitution.

Certainly the Supreme Court has that responsibility, and they have a whole history of cases determining what the fourth amendment means. But we are entitled to pass legislation so long as it is in compliance with that Constitution, and this language simply adds to that interpretation that the Supreme Court already has and creates a good-faith exception so that criminals do not get off on technicalities.

□ 1820

All we are saying here is do not allow somebody who is guilty of a crime to evade conviction because of a police officer who acted in good faith, and everybody's constitutional right is protected because the judge will have the

discretion and it can be taken up on appeal as well. The judge will have the discretion to determine whether or not the individual police officer was acting in good faith. If he finds he was not, the evidence is excluded. But if he was acting in good faith, not intentionally depriving anybody of their rights, the evidence should be brought in and the criminal should be convicted and put in prison. That is what their bill is about. That is why the amendment should be defeated and the bill passed.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as Americans we should be devoted to the Bill of Rights. The Bill of Rights and our respect for the Bill of Rights is what has kept our country free for over 200 years. The fourth amendment to our Constitution is part of our precious Bill of Rights. Today in America we are legitimately worried about crime. As the mother of two young children I know how much I worry about their safety. I worry that unless we do the right thing our country will be an even more dangerous place by the time they are adults.

But even as we worry about crime we cannot worry less about freedom and the freedom guaranteed by our Bill of Rights. Because of our concern about crime the operation of the exclusionary rule which protects the fourth amendment has been increasingly narrowed over the past years by the Supreme Court. Police can act in emergencies, police are excused under the Leon ruling when they execute a faulty warrant in good faith. This lets the police do their job.

But H.R. 666 goes further than that. The fourth amendment is not in our Constitution to protect the guilty, it is there to protect innocent regular Americans. It is to prevent the government from coming into your home whenever they want to. It is to protect the American people from big government that would intrude on our privacy. H.R. 666, if it is constitutional, would allow the government to intrude on our privacy without having an impartial magistrate review the situation. That is why, as the mother of two little children, I will vote for the fourth amendment offered by Mr. WATT. I worry about my children's freedoms, freedom from the fear of crime is something I want for them. But I also want them to enjoy the freedoms that Americans have always had to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I engage the Chair of the subcommittee, Mr. MCCOLLUM?

Mr. MCCOLLUM. I would be delighted to.

Mrs. CLAYTON. I would like to know, and I have heard repeated, and I have to believe that you and others be-

lieve that in your bill you do not intend to violate the Constitution, you certainly do not intend to give up unconstitutional language being in conflict with the fourth amendment.

Mr. MCCOLLUM. The gentlewoman is completely correct.

Mrs. CLAYTON. Well, help me understand then. If this language is inserted would it not go to perfect that very intention that if you do not intend, anything motivating to annihilate the Constitution particularly the fourth amendment, why then, although it may be redundant, why not allow this language to be there that says without any ambiguity that the fourth amendment is to be upheld? Why not allow this language to be there?

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Florida.

Mr. MCCOLLUM. I thank the gentlewoman for yielding.

Mr. Chairman, I have no objection to that language particularly. What I object to is what would be stricken from the bill by the amendment that the gentleman, Mr. WATT, has offered. If you look at his language—

Mrs. CLAYTON. Is he not substituting the fourth amendment?

Mr. MCCOLLUM. He is substituting the fourth amendment for the language in the bill. Thereby he eliminates efforts we are making to modify the evidentiary rule that the Supreme Court has carved out for search and seizure cases under the fourth amendment.

Mrs. CLAYTON. Would not the Constitution be superior language to what the gentleman has codified?

Mr. MCCOLLUM. If the gentlewoman would yield further, it would not be superior in the sense—it is superior in any event to anything the court would do—but we have to interpret the Constitution for purposes of deciding whether to admit evidence or not. That is, we are not modifying the Constitution in any way, we are simply providing a modification to a Supreme Court rule made in 1914 to police the police. It was their decision to create this rule of evidence. They did not modify the Constitution when they created it.

And they came along and said we are going to change our rule because we think it is too harsh, what we did in 1914, back in 1984. And they said, what we have before us is a search warrant case, and we think the police in that case really acted in good faith.

They thought it was a good warrant, it turns out that it was not a good warrant. We do not think there is any reason to exclude the evidence that they got. There is nothing to be gained by this, because we are not going to deter their conduct. So we want to simply expand that.

Mrs. CLAYTON. Reclaiming my time: What I want to know is why not allow this amendment to stand because it seems to achieve what the gentleman wants. The gentleman wants to

convince us that nothing he has is inconsistent with the fourth amendment. And if that is true, whether it is redundant or not, it simply would reaffirm his intention.

Mr. MCCOLLUM. If the gentlelady would yield further, it would not reaffirm my intention because what we have in the bill is not a recodification of the fourth amendment. The fourth amendment would exist and we cannot change it here on the floor of the House in any event. It exists whether we pass the bill here or not. All we are modifying is a rule of evidence. If you pass the fourth amendment as a substitute for the rule of evidence modification then the existing rule of evidence will continue to exist unmodified. We want to change it. We do not want to leave it up to the Court. The court right now is determining the rules of evidence in this area.

In Federal Rules of Procedure on Evidence we want to say—we have the right to do that in the Congress and that is all we want to do. We want to say to the court, instead of you doing it, we want to do it.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I thank the gentlewoman for yielding to me.

Mr. Chairman, the gentleman's, my friend's explanation is a little disingenuous. This is the mother of all warrantless searches that we have before us and will ultimately, I predict, be found unconstitutional because we put the objective reasonable good faith in the police officer, not in the magistrate. And that is the fatal flaw. So we have the gentleman from North Carolina [Mr. WATT] with a constitutional provision replacing it with what I predict will be an unconstitutional amendment.

Mrs. CLAYTON. Let me raise one question: Does the gentleman believe then if this was put in there that it would gut his bill, the Constitution would then be nullified?

Mr. MCCOLLUM. If the gentlewoman would yield further, yes, it would, because it strikes the bill.

Mrs. CLAYTON. But does that mean that the Constitution nullifies the gentleman's bill?

Mr. MCCOLLUM. No. If the Constitution exists it is going to exist whether my bill is passed or not; it does not nullify the bill. But if you pass a provision that strikes what is in the bill, that is what nullifies it. I think we can add to the Constitution if we want to add it to the bill, it would not nullify it. But by striking the language in the bill you have provided us with a provision which does not leave our provision standing.

Mr. MFUME. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Exclusionary Rule Reform Act, H.R. 666, which has heretofore in this

debate been referred to as the mark and the number of the beast. And while I rise not to impugn the integrity of any Member of this body or never felt intentions, I do rise to talk, as I must, about what I consider to be the misguided wisdom of this act. In an effort to correct a wrong we are imposing, in my opinion, an even larger wrong. In the years that I have been a Member of this body, with all due respect, I never felt more violated.

And I would suspect that people who are now watching this debate and those who in years yet to come will read it will feel just as violated also. And would ask as many are asking at this hour: What have we come to? And what have we become?

□ 1830

In an effort to punish the guilty, Mr. Chairman, we are ignoring our sworn obligation to protect the innocent, and someone, Mr. Chairman, rose earlier in this debate in a brash, and rash and unconscionable way and argued that the debate was almost without merits and that the debate on this side of the aisle was, in that person's opinion, absurd.

Well, the real question becomes then: Is it absurd to protect the public welfare as we know it? Is it absurd to protect the sanctity and the security of one's home against unreasonable search and seizure? Is it absurd to enshrine the words of the fourth amendment in the bill that we're about to vote on?

I would argue and submit, Mr. Chairman, that the absurdity is not in the effort to correct the wrong. The absurdity is in the folly that protects the wrong.

This bill renders the fourth amendment mute. It simply says it no longer, for all intents and purposes, exists, and if that assumption is wrong, then why not enshrine the words of that amendment in this bill so that we underscore and underline for all to see our intention to protect and uphold the fourth amendment of the Constitution of the United States, a Constitution that every Member of this body 6 weeks ago swore to protect and defend against all enemies, foreign and domestic?

Few people will remember what we say here today, but all will remember what we do, and I would urge Members of this body, in supporting the amendment offered by the gentleman from North Carolina [Mr. WATT] to understand our mission is to protect the innocent and to take to heart the words that we are sworn to uphold and to protect the Constitution that has protected us even against ourselves.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I would like to say we would be happy to add the fourth amendment to the end of the bill. We would have been happy to accept on this side the gentleman from Michigan's published amendment No. 1 that would say, had he offered it,

nothing in this section shall be construed so as to violate the fourth article of amendments to the Constitution of the United States.

We would be happy to do that because we do not think anything we do does that, and we have no intention of doing so, and I understand the gentleman's sincerity in what he has to say. It is just a concern that I have that, instead of doing that, this particular amendment eliminates the bill, the underlying bill. It is not simply added on.

Mr. MFUME. Mr. Chairman, I thank the gentleman from Florida for his words.

Mr. Chairman, I yield to the bill's sponsor to respond to the suggestion by the gentleman from Florida [Mr. MCCOLLUM] that he would be happy to add the words.

Mr. WATT of North Carolina. Mr. Chairman, nobody has proffered any language to me that they would be interested in being supportive of, and I would be happy to look at it and consider whatever language they are proposing. But right now the amendment speaks for itself.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman would yield, I would just like to point out that the amendment I suggest is what the gentleman from Michigan [Mr. CONYERS] has published as his first amendment in the RECORD, in the CONGRESSIONAL RECORD, and we would be glad to accept that in lieu of what the gentleman is offering, if that would be something he would want to do.

Mr. WATT of North Carolina. Mr. Chairman, I would be happy to take a look at it and, while the next speaker is speaking, see if we can get together on some language.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Members on both sides of the aisle, Mr. Chairman, I think are genuine in their concerns, and I think also that Members on both sides of the aisle often feel that there are too many laws that protect the criminals and not enough for those that are persecuted, and that is the victims. Who supports the exclusionary rule? Gestapo storm troopers? No, it is all of our local law enforcement agencies and the district attorneys. Why? Because often, too often, Mr. Chairman, those criminals are let back out onto our society because of small technical reasons.

We are not taking a look to storm into people's houses. We are looking where there is evidence found on good faith that that evidence can be used in a court of law. That is not unreasonable.

Some of the same Members that are fighting for the fourth amendment, we fought desperately for the same rights under the second amendment. We said, "Let's force and let's put minimum mandatory sentences on those that violate the law using a weapon, any kind of a weapon, and not go against the

law-abiding citizens." But yet our voice was muted on that issue, and I am sure it will be muted again. We do not want to let criminals go on technicalities.

I would ask Members on both sides of the aisle to look at the items in which we can really strengthen a crime bill, habeas corpus. We had a gentleman named Alton Harris in San Diego that shot two boys and then ate their hamburgers, he spent 14 years habeas corpus after habeas corpus on death row, but after many of the same Members will fight against that. We need to go after the criminals and protect the innocent in those kinds of things.

I had three Russian generals in my office, and they said that the No. 1 right that they value in the new Russia today is to own private property and those rights, but I see it violated time and time again on this floor, and I would say to the gentleman that quoted The Beast, "Many of us consider Damien was killed on November 8."

#### PARLIAMENTARY INQUIRIES

Mr. FIELDS of Louisiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FIELDS of Louisiana. Mr. Chairman, since we are about to vote on this measure, I have a question: Since this bill that is before us modifies the Constitution to some degree, would this not call for a two-thirds vote of the House?

The CHAIRMAN. The simple answer is no. The amendment before us is not a constitutional amendment.

Mr. FIELDS of Louisiana. A further parliamentary inquiry, Mr. Chairman:

My inquiry was on the bill and not the amendment.

The CHAIRMAN. The Chair will issue the same ruling:

This is a bill and not a constitutional amendment.

Mr. FIELDS of Louisiana. A further parliamentary inquiry, Mr. Chairman:

The bill precisely says that evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the grounds that the search or seizure was in violation of the fourth amendment.

How is that not, Mr. Chairman, making the fourth amendment of the Constitution moot or at least revising it?

Mr. CHAIRMAN. The gentleman is not stating a parliamentary inquiry. He is raising a question of constitutional law.

That is a matter for the House to decide.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in light of the comments of the last speaker, I would simply note that the purpose of the Constitution is not to protect the guilty. The purpose is to protect the innocent. What we are talking about here is the power of agents of the government to search the homes of American citizens

and to seize the property of American citizens, and the amendment offered by the gentleman from North Carolina [Mr. WATT] gives us an opportunity to choose between the language of H.R. 666 drafted by the gentleman from Florida or the language reflecting the fourth amendment of the Constitution of the United States drafted by Thomas Jefferson and James Madison.

□ 1840

I know it is a close call, but, pardon me, I am going to stick with the old fellows.

I would also like to remind Members, in light of the comments made by the previous speaker, of the words of Sir Thomas More in the play "A Man for All Seasons." More was having a discussion with his son-in-law about the power of the king and the power of law, and his son-in-law said, "I would strike down every law in England to get at the devil." To which Sir Thomas More replied, "And when the devil turned round on you the laws all being flat, where would you be then? I would give the devil the benefit of law for my own safety's sake."

And that is really what we are talking about here today, whether or not we will stand by the constitutional privileges laid down by the Founding Fathers that protect American citizens from the occasional and regrettable excess of the use of power by their own Government or by the representatives of that Government.

I find it quaint indeed that in the name of conservatism we seem to have conservatives in a wide variety of measures taking actions which in fact give great additional power to the State, be it in this language that is being provided today in H.R. 666, or be it in the line item veto amendment by which we transfer huge pieces of authority to the White House, or be it in some of the other portions of the contract that are about to come before us.

So as I said beginning my remarks, I do not think the gentleman from North Carolina need apologize for bringing the words of Thomas Jefferson and James Madison to this floor. Frankly, if I looked out on this floor and saw an awful lot of people that reminded me of Thomas Jefferson or reminded me of James Madison, I might be willing to entertain this language. But, frankly, when I look out on the floor, I find precious few.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here because I heard the debate on this issue, and I have to tell you that the fourth amendment is not just words to me, it is protection, real protection.

Let me tell you what it is like to live in a country which has no fourth amendment.

I lived in South Africa, in fascist South Africa, and my mother was a fighter for justice and for truth. And she lived in fear, constant fear, that her home might be invaded, that papers might be taken out of context and

used in trials by the government against people who believed in justice. And in South Africa, they longed for the fourth amendment, Mr. Chairman. They longed for that protection.

Our police must be given the tools to fight crime, but it is our citizens who must be protected, in their homes, in their lives, and in their beliefs.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the committee we talked about not juxtaposing the rights of victims against those of us who would think that freedom is equally as important. We sought to strike a chord to bring legislation forward that would fairly respond to the needs of victims and the apprehension of criminals, but yet recognize the Constitution of the United States.

For over 80 years since the Supreme Court's decision in Weeks versus United States, the mandates of the fourth amendment have been enforced through the application of the exclusionary rule, that prevents illegal searches and seizures. It is not broken; it is working.

The Constitution stands alongside the exclusionary rule. This proposed legislation without the amendment of the gentleman from North Carolina [Mr. WATT] does damage to the Constitution and the sanctity of the Supreme Court's affirmation of the exclusionary rule's application to the fourth amendment.

Mr. Chairman, it is important that as we have our children view high-technology movies like the Last Action Hero, that they not view this as today's America; that they know that the Constitution protects their home, protects their privacy, protects their rights. I think we need not move into the 21st century believing that we are nothing but a movie, simply seeing strangers around the country knock in our doors.

Mr. Chairman, that is not your average law enforcement officer. They are law abiding. They have easy access to getting warrants based on probable cause. They seek such warrants, they arrest people, they get convictions. Why tamper with something that is not broken? Why not stand for the Constitution that clearly says that our citizens have rights? In particular when we talk about minority citizens, people who are seeking an opportunity to work cohesively with law enforcement, but yet acknowledge the fear sometimes of the intrusion on their private rights.

Let us not dismantle what we are trying to build, a sense of confidence and comfort, that the Bill of Rights, the Constitution of the United States protects them too, protects those who are new immigrants, protects those who do not speak the language, protects those who live in inner-city neighborhoods. It is important that we include all Americans, and that it is

not in conflict with law enforcement or protecting all citizens.

Mr. Chairman, I would ask for support of the Watt amendment, because I believe the fourth amendment clearly states the purview of where we need to go. It protects those who have been victims, it protects those who are law enforcers, and it protects the rights of law abiding citizens. It is the Constitution. It is something to be supported, recognized and respected.

I rise to support the Watt amendment.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in listening to the comments of some Members here as ardent defenders of the Constitution, and we heard the Founders invoked, one would think the exclusionary rule is written into the Constitution. Yet I challenge anyone to show me where in the Constitution that exists, because in point of fact it does not exist. It was a creature of the court beginning in 1914 and applicable to the actions of the Federal Government, and it was not until I believe 1964 in the infamous Miranda case that it was applied to State and local agencies. It was simply an example of judicial legislation, the type that has done such great violence to the Constitution that we should all revere.

Mr. Chairman, I strongly believe in the Constitution, and I believe that this creation, the exclusionary rule, has subjected innocent men, women, and children to be the victims of crimes, and the perpetrators of those crimes have gone free in some instances because of the doctrine of the exclusionary rule. When violent crimes and homicides have shot up hundreds of percent since 1960, it is time that we, the people's representatives, set a proper balance, and that balance is the good-faith exception to the exclusionary rule.

Mr. Chairman, I urge the defeat of this amendment.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Chairman, I appreciate the gentleman yielding, and I would like to echo his refrain. I have the utmost regard for those who favor the exclusionary rule as a means of enforcing or implementing the fourth amendment. I respect your view. But it is necessary to point out, as the gentleman just did, that almost none of the Constitution is self-enforcing. It has to be enforced by a rule.

□ 1850

The courts have chosen to try and enforce it in this instance by the exclusionary rule. There are some of us who feel as deeply as our colleagues that this is not the appropriate way to enforce the fourth amendment. I would only add that the ultimate, almost, insult to the Constitution of the United

States is for those of us here, elected for 2-year terms, to demean the Constitution of the United States by deigning to place the language of the Constitution in a mere statute that we enact.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the exclusionary rule is not, as was just pointed out, written into the Constitution. It was enacted in effect by the courts in a series of decisions starting in 1914. The courts have observed, the Supreme Court has observed many times, it is the only effective means that has ever been discovered to enforce the guarantees against unreasonable searches and seizures that are in the fourth amendment. It is the only means that we have ever found which makes the words of the Constitution guaranteeing the people the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures to be effective in the real world.

Mr. Chairman, the Supreme Court of the United States has said in construing the fourth amendment that the exclusionary rule shall not apply where you have a search warrant and there is good faith asserted. But it still applies where good faith is asserted but there is no search warrant, not even a search warrant. They did not even go before a magistrate to get a warrant to show probable cause why they should search this person's home or possessions or seize his property.

This bill would eliminate the exclusionary rule there, too. It would say that even when you have no search warrant, you can go to somebody's house, break into the house, search his papers, seize his effects, seize the papers, and assert that you believed you were in good faith, that you had constitutional right to do that.

In effect, it removes any real limits on the power to search and seize.

Mr. Chairman, if you look at the history books, one of the chief grievances that caused the Revolutionary War was the issuance by the British authorities of writs of assistance, search warrants, and they were trying to enforce legitimate revenue-collection laws. They issued writs of assistance which said anybody must assist this officer in searching this house or that place for anything. James Otis and Sam Adams and John Adams thought this was tyranny, and what this bill would do is to recreate the same effect as the British writs of assistance.

We are, in the name of trying to have law enforcement, so widening the exceptions here that we have no effective protection for our own liberty in our own homes.

"A man's home is his castle" is an ancient maxim of the English common law which we inherited. The writs of assistance issued by the British authorities were invasions of that. It was felt to be tyrannical, one of the leading causes of the Revolution in this coun-

try against Great Britain. We have forgotten all this, and we are recreating the writs of assistance by this bill, except, even with the writ of assistance, you had to go before a magistrate and describe—you did not have to describe what you were looking for, that was one of the problems, but you had to describe why you were looking for something.

With this, you do not need a warrant. You do not go before a magistrate, you simply break into somebody's house, seize whatever you want to seize, and then assert that you, in good faith, believed mistakenly that you had probable cause.

Mr. Chairman, this restores—it makes even worse what we rebelled against in 1775. The Watt amendment, by putting the words of the fourth amendment into this bill, which the Supreme Court has construed to permit an exception to the exclusionary rule only when there is a warrant, would put back that construction and would limit the exceptions to the exclusionary rule to where it is now, and would prevent it from being so widened as this bill would otherwise do as to recreate even worse the situation that we rebelled against in 1775.

For the protection of our liberty, I urge that this amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 121, noes 303, not voting 10, as follows:

[Roll No. 99]

AYES—121

Abercrombie	Fields (LA)	McCarthy
Ackerman	Filner	McDermott
Baldacci	Flake	Meehan
Barcia	Foglietta	Meek
Becerra	Ford	Menendez
Beilenson	Furse	Mfume
Berman	Gejdenson	Miller (CA)
Bishop	Gibbons	Mineta
Bonior	Gonzalez	Mink
Boucher	Green	Moakley
Brown (CA)	Gutierrez	Mollohan
Brown (FL)	Hall (OH)	Nadler
Brown (OH)	Hamilton	Neal
Bryant (TX)	Hastings (FL)	Oberstar
Clay	Hefner	Obey
Clayton	Hilliard	Olver
Clyburn	Hinchey	Owens
Coleman	Jackson-Lee	Pastor
Collins (IL)	Jefferson	Pelosi
Collins (MI)	Johnson, E. B.	Rangel
Conyers	Johnston	Reed
Coyne	Kaptur	Reynolds
de la Garza	Kennedy (MA)	Richardson
DeFazio	Kennedy (RI)	Rivers
DeLauro	Kennelly	Rose
Dellums	Kildee	Roybal-Allard
Dicks	Kleczka	Rush
Dingell	LaFalce	Sabo
Dixon	Levin	Sanders
Durbin	Lewis (GA)	Sawyer
Engel	Lofgren	Schroeder
Evans	Maloney	Schumer
Farr	Martinez	Schuster
Fattah	Matsui	Serrano

Skaggs  
Slaughter  
Stark  
Stokes  
Studds  
Stupak  
Thompson

Thornton  
Torricelli  
Towns  
Tucker  
Velazquez  
Vento  
Visclosky

## NOES—303

Allard  
Andrews  
Army  
Bachus  
Baesler  
Baker (CA)  
Baker (LA)  
Ballenger  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Bateman  
Bentsen  
Bereuter  
Bevill  
Billbray  
Bilirakis  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bono  
Borski  
Brewster  
Browder  
Brownback  
Bryant (TN)  
Bunn  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Cardin  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Chrysler  
Clement  
Clinger  
Coble  
Coburn  
Collins (GA)  
Combust  
Condit  
Cooley  
Costello  
Cox  
Cramer  
Crane  
Crapo  
Cremeans  
Cubin  
Cunningham  
Danner  
Davis  
Deal  
DeLay  
Deutsch  
Diaz-Balart  
Dickey  
Doggett  
Dooley  
Doolittle  
Dornan  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Eshoo  
Everett  
Ewing  
Fawell  
Fazio  
Fields (TX)  
Flanagan

Foley  
Forbes  
Fowler  
Fox  
Frank (MA)  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frisa  
Funderburk  
Gallegly  
Ganske  
Gekas  
Geren  
Gilchrest  
Gillmor  
Gilman  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Greenwood  
Gunderson  
Gutknecht  
Hall (TX)  
Hancock  
Hansen  
Harman  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Heineman  
Herger  
Hilleary  
Hobson  
Hoekstra  
Hoke  
Holden  
Horn  
Hostettler  
Houghton  
Hoyer  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Jacobs  
Johnson (CT)  
Johnson (SD)  
Johnson, Sam  
Jones  
Kanjorski  
Kasich  
Kelly  
Kim  
King  
Kingston  
Klink  
Klug  
Knollenberg  
Kolbe  
LaHood  
Lantos  
Largent  
Latham  
LaTourette  
Laughlin  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Lincoln  
Linder  
Lipinski  
Livingston  
LoBiondo  
Longley  
Lowey  
Lucas  
Luther  
Manzullo  
Markey  
Martini  
Mascara  
McCollum  
McCrery

Waters  
Watt (NC)  
Waxman  
Woolsey  
Wynn

McDade  
McHale  
McHugh  
McInnis  
McIntosh  
McKeon  
McNulty  
Metcalf  
Meyers  
Mica  
Miller (FL)  
Minge  
Molinari  
Montgomery  
Moorhead  
Morella  
Murtha  
Myers  
Myrick  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Ortiz  
Orton  
Oxley  
Packard  
Pallone  
Parker  
Paxon  
Payne (VA)  
Peterson (FL)  
Peterson (MN)  
Petri  
Pickett  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Pryce  
Quillen  
Quinn  
Radanovich  
Rahall  
Ramstad  
Regula  
Riggs  
Roberts  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Royce  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer  
Schiff  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shays  
Shuster  
Sisisky  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Spratt  
Stearns  
Stenholm  
Stockman  
Stump  
Talent  
Tanner  
Tate  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Tejeda

Thomas  
Thornberry  
Thurman  
Tiahrt  
Torkildsen  
Torres  
Traficant  
Upton  
Volkmer  
Vucanovich

Archer  
Chapman  
Frost  
Gephardt

Waldholtz  
Walker  
Walsh  
Wamp  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
White  
Whitfield

## NOT VOTING—10

Manton  
McKinney  
Moran  
Payne (NJ)

## □ 1911

The Clerk announced the following pair on this vote:

Mr. Gephardt for, with Mr. Manton against.

Mr. WISE and Mrs. LOWEY changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HANSEN) having assumed the chair, Mr. RIGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 666) to control crime by exclusionary rule reform, had come to no resolution thereon.

## GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 665 and H.R. 666.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. HORN. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule; Agriculture; Commerce; Economic and Educational Opportunities; Government Reform and Oversight; House Oversight; International Relations; Judiciary; National Security; Resources; Science; and Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I have consulted with the minority leadership, and they have advised me

that notwithstanding the fact that this is contrary to the rule which prohibits voting in committee without being there, and contrary to the House rules, we are in agreement to it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 5 minutes.

[Mr. KOLBE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FATTAH] is recognized for 5 minutes.

[Mr. FATTAH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. GUTIERREZ] is recognized for 5 minutes.

[Mr. GUTIERREZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

## INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the gap in income is growing between those who have a lot of money and those who have a little money. That is unacceptable in a stable and strong economy. According to Business Week, the income gap "hurts the economy."

Almost half of the money in America is in the hands of just 20 percent of the people. That top 20 percent is made up of families with the highest incomes. The bottom 20 percent has less than 5 percent of the money in their hands.

A modest increase in the minimum wage could help the bottom 20 percent, and it will not hurt the top 20 percent.

Between 1980 and 1992, income for the top 20 percent increased by 16 percent. During that same period, income for the bottom 20 percent declined by 7 percent. For the first 10 of those 12 years, between 1980 and 1990, there were no votes to increase the minimum wage. Without an increase in the minimum wage, those with little money end up with less money. That is because the cost of living continues to rise.

□ 1920

By 1993, families in the top 20 percent had an average income of \$104,616. Families in the bottom 20 percent in America only had an average income of just \$12,964. That is a gap of more than \$90,000.

Mr. Speaker, that amount of money makes a big difference in the ability of families to buy food and shelter, to pay for energy to heat their homes, and to be able to clothe, care for, and educate their children. That amount of money makes the difference between families with abundance and families in poverty.

An increase in the minimum wage will not provide abundance, but it can raise working families out of poverty.

As income dropped for low-income families during the decade of the 1980's, costs escalated. The earnings of the bottom 20 percent of families dropped by nearly \$1,000 during that period. At the same time, the income of the top 20 percent of families climbed by almost \$14,000. This gap cannot continue.

While the income for the bottom 20 percent was declining, the rate of inflation for food, shelter, heating fuel, clothing, transportation, and medical care was increasing.

In other words, Mr. Speaker, the cost of bread, milk, eggs, a place to sleep, heat, clothing to wear, a bus ride, and a visit to the doctor went up, as the income of poor people went down. The rate of inflation for each of those items increased, on average, 60 percent, with a low of 31 percent and a high of 117 percent.

Despite these spiraling prices, Congress took no steps to increase the minimum wage, and poor people—the bottom 20 percent—became poorer. That deep valley remains with us today.

The bottom 20 percent of our citizens can have a full-time employee in the family, working at least 40 hours a week, and still not be able to make ends meet—still living in poverty.

At least, they can be working 40 hours and still not be out of poverty. Their earnings from those families have not gone up, and they need to go up and we need to reward work, not make it a penalty. Work is a burden when, despite an individual's best efforts, 40 hours of work, they find themselves paying more for the necessities of life and yet earning less as income.

Other nations around the world have lessened that gap, have been faced with the same gap, but found ways to reduce that gap between those who lived at

the top and those who are on the bottom.

We pride ourselves on being competitive with France and Germany and Japan, but we are not really competitive in giving people a decent wage. The gap is much closer there than it is here. Additionally, a recent survey indicated job growth in America is the lowest where the income gap in the widest. When we have a wide gap, we really do not have a strong economy. So having a wide gap hurts our economy. Closing that gap helps everybody, and especially it helps those of the lowest. We should be about the record of establishing that we believe that all Americans have the right to a decent salary if they are willing to work.

Mr. Speaker, New Jersey had such an experience. They raised the minimum wage and the States around them did not. At the same time, they saw jobs increase where their neighbors' jobs decreased.

Mr. Speaker, we should be about raising the salary of those who work. The minimum wage is the least we should do. It is about being fair to citizens. It is about being fair to our economy, closing the gap between the upper 20 percent and the lower 20 percent.

Mr. Speaker, we need to support the minimum wage.

I urge all of my colleagues to at least do that.

#### A CLARIFICATION OF THE RECORD

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentleman from Utah [Mr. ORTON] is recognized for 5 minutes.

Mr. ORTON. Mr. Speaker, yesterday, during floor debate on H.R. 2 and consideration of my amendment to extend line-item veto to contract authority, an exchange between myself and Mr. SHUSTER, the gentleman from Pennsylvania, occurred which I would like to clarify.

During debate, I made the following statement: I want to share with my colleagues a telephone call which I received from a mayor in my district. The mayor called to question my amendment and express concern over funding for a highway project in the city. The mayor stated that staff of Chairman SHUSTER had let it be known that they are looking at transportation projects in my district, and if I offer this amendment there will be retaliation. It was suggested that we would neither get any further contract authority nor authorization for appropriations for future funding of projects in my district. That statement is accurate.

After my statement, Mr. SHUSTER sought recognition and made the following statement: My good friend mentions projects in his own district and a mayor calling him. Well I am a little surprised. I am told the gentleman has five projects which were in ISTEA.

And later at the end of debate, Mr. SHUSTER again took the floor and made

the following statement: My friend from Utah made the allegation that a member of my staff called the mayor of Provo, UT, to pressure him to get him to withdraw this amendment.

I have not only talked to my staff, I have just gotten off the phone from talking to the office of the mayor of Provo, Ut. No one from my staff spoke to the mayor of Provo, Ut.

I am sure my good friend in the heat of the moment made an honest mistake, but I would simply like to RECORD to reflect that.

Mr. Speaker, tonight I have taken the floor to clarify the record.

In my statement, I made no reference to which mayor contacted me. There are several cities in my district with transportation projects, including Salt Lake City, West Valley City, Orem City and Provo City among others.

Also, I did not allege that the mayor called to pressure me to withdraw my amendment.

Prior to making my statement yesterday, I spoke to the mayor and the lobbyist representing the city. This is what was reported to me: First, that a member of Chairman SHUSTER's staff informed the lobbyist representing the city that they were looking at transportation projects within my district and relayed a not so veiled threat of retaliation. Second, that the lobbyist conveyed the information to the mayor who then called me to express concern over funding for a project.

After explaining my amendment to the mayor, the mayor expressed personal support for my amendment, saying that this was not the message the lobbyist wanted delivered but that I should do what is right and let the chips fall where they may. There are witnesses to my conversations.

In closing, let me say that it appears to me that the information conveyed to me through the lobbyist and the mayor was accurate. Chairman SHUSTER referred exactly to the number of transportation projects in my district—and knew exactly which mayor to call, even though I have never referred to which city's mayor contacted me.

#### EXPRESSING SUPPORT FOR ADMINISTRATION DECISION TO IMPOSE SANCTIONS ON CHINESE PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise today to express support for the Clinton administration's decision on Saturday to impose sanctions on Chinese products because of China's failure to protect and enforce intellectual property rights of United States companies and its failure to provide market access for intellectual property-based products and industries.

China's piracy of United States CD's, videotapes, software and other intellectual properties costs the United States Economy at least \$1 billion a year. This means lost American jobs.

The administration's actions, after prolonged negotiations, are long overdue. Indeed, many of us had encouraged President Bush to take this action instead of giving credence to the United States-China memorandum of understanding on intellectual property a few years ago.

Indeed, this action is the same one many of us had urged the administration to take on behalf of promoting human rights in China.

While I am pleased the Clinton administration has taken this step, it is ironic that such an action is being taken to protect products, but that it was not taken to protect human life and human rights. The United States business community is now seeing that human rights and economic certainty are connected as they face problems with a lack of rule of law and respect for contracts in China.

There are other ironies in this decision, Mr. Speaker. Last year, when the President granted MFN to China unconditionally, the argument was made that the approach targeting sanctions on State enterprises including products made by the People's Liberation Army advanced by then Senator majority leader Mitchell, then House majority leader GEPHARDT, majority whip, BONIOR, and me, was not implementable.

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And in an August 5 letter to Members the Commissioner of Customs stated that our approach would not work because there are no longer clear distinctions between companies that are State-owned enterprises and those that are not. It is important to note therefore, Mr. Speaker, that the sanctions scheduled to go into effect February 26 if the Chinese do not come around and hopefully they will, specifically target some of China's State-owned enterprises including some run by the People's Liberation Army. In fact at its February 4 conference announcing the imposition of sanctions Ambassador Kantor while listing criteria for picking the products for sanctions listed said No. 2, we picked products that were more involved with China's state enterprises than other enterprises. Indeed I also want to call to the attention of our colleagues that last year when we were having this same debate about sanctions on products made especially by State-run industries and the People's Liberation Army that some of our colleagues in fighting our legislation sent a "Dear Colleague" which says:

Imposing sanctions against products produced by the Chinese Army defense-related companies and State-owned enterprises will be unworkable and unenforceable. It would be a logistical nightmare for the U.S. Customs Service to try to manage. Not only is it almost impossible to identify Chinese

Army ownership of Chinese companies but in a mixed economy like China's, it is also virtually impossible to draw clear lines between State and nonState activity.

Well I guess a lot has happened in the past 6 months because we have all of a sudden now, the proposal we are making is indeed one that is being proposed by the administration. I say that once again in support of the action that was taken because those of us who are concerned about human rights in China are also concerned about violations of our trade relationship and also about the proliferation issues.

Mr. Speaker, I yield to my colleague, the gentleman from California [Mr. ROHRABACHER.]

Mr. ROHRABACHER. I would just note that the Chinese have a \$24 billion trade surplus.

Ms. PELOSI. If the gentleman would allow, now \$30 billion.

Mr. ROHRABACHER. Now \$30 billion. Now a \$30 billion trade surplus with the United States. And for these people, for the Government of China to be running these factory operations, stealing our intellectual property rights, ripping them off, extracting funds from our pockets to the tune of \$1 billion a year, these are the factories that are, as the gentleman has just stated, so clearly these are not private sector factors in China, they are factories run by the government and the army themselves. And this adds insult to injury. They are not just satisfied with a \$29-billion surplus, they have to rip us off and then even export the intellectual property rights, the CD disks, the software that they are producing.

In our State of California hundreds of thousands of people pay for their mortgage, feed their children, clothe their families, educate their children with the money that they get from jobs related to the entertainment industry. We are now on the edge of a new era where ideas and creative instincts become evermore important. This kind of rip-off is incredible and I am very pleased that the gentleman has taken the leadership on this.

#### CONTINUATION OF DISCUSSION ON CHINESE SANCTIONS

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. I thank the Speaker, and I yield to the gentleman from northern California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding, and I thank the Speaker for his directing our debate in this way.

I appreciate the remarks the gentleman has made because indeed the Chinese Government has not only been ripping off our intellectual property, they also have been exporting this intellectual property which they have pirated to other countries in Asia, again

hurting United States jobs here at home.

So I commend the administration for finally placing sanctions on China. I think it is important that our colleagues know because many of us who voted together on this issue that the sanctions that were placed on the Chinese Government are the self-same sanctions we were recommending that the administration at that time said were unworkable when we were proposing them for promoting human rights in China and Tibet.

I would like to make a further point that since the President made his MFN decision, human rights violations in China have increased. The crackdown has intensified in China and Tibet. That can be documented when we have more time.

The trade deficit has increased to \$30 billion in 1994 and is growing. The proliferation issue is still not resolved in China. Indeed, the evidence is that they are still exporting dangerous technology to unsafeguarded countries.

Having said that, I still commend the administration for finally standing tall and taking the action that they did.

Mr. ROHRABACHER. As the gentleman knows, many of the businessmen who decided they were going to make a quick buck and an easy buck making a deal with this dictatorship on the mainland are now finding that they are being ripped off by that Government. The fact is that our own business community that was so much in favor of the most favored nation for the Chinese and said forget human rights are now finding that the Government that abuses the human rights of its ownpeople will certainly negate a contract with a foreigner. And millions upon hundreds of millions of dollars are being lost. I predict even billions of dollars will be lost because this is an outlawed gangster regime and America should be on the side of freedom. It is right in the long run, it is beneficial in the long run.

Ms. PELOSI. If the gentleman will yield further, once again I thank the gentleman for the opportunity to extend my remarks and those of my colleague. The fact is that we will have another evening to talk about the violations of human rights in China, but in addition to the violations of the intellectual property rights—and in China the piracy is rampant, enforcement is absent and the cost to the United States taxpayer and the American worker is huge. In addition to that, they are violating our trade relations with transshipments, exporting of products made by prison labor, by market barriers to United States products going on into China; the list goes on and on. As my colleague so ably said, there is a connection between human rights and business, and that promoting human rights is good for business because then American businesses going into China will know that their contracts will be honored, that

their products will not be made by slave labor and that the rule of law will prevail. And that is a lesson they have learned in the last 8 months. They are not as head over heels in love with going into China doing business now. But we still have to fight for human rights, fight the fight to free Wei Jingsheng and his assistants and some hundreds, maybe thousands of political prisoners as well as the millions in the slave labor camps in China.

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REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 2 AND HOUSE JOINT RESOLUTION 4

Mr. ALLARD. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of House Joint Resolution 2 and House Joint Resolution 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

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COMMUNITY POLICING PROGRAM

The SPEAKER pro tempore (Mr. HANSEN). Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. STUPAK] is recognized for 60 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, I am here tonight and I will be joined by some of my colleagues on the Democratic side to talk about the community policing program and the proposal that will be before us later this week to do away with the community policing program and the 100,000 cops as the President has outlined in the past, in last year's crime bill.

So the special order tonight will deal with community policing commonly called cops on the beat or Clinton cops.

Today at a press conference there were representatives from police organizations all over the country, mostly the FOP and the National Association of Police Organizations which represent most of the rank-and-file police officers in the country.

They spoke articulately of the need to get police officers on the street.

The program has been a win-win situation not just for the police officers, not just for fighting crime but especially for the communities in which they serve.

Last night in this Chamber we spoke, a number of us, about community policing, how you need to restore the trust, confidence and faith in the police with the specific area they serve in order to form a working partnership,

working in concert to help with community policing, to combat the crime elements that they face in their communities.

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The gentleman from California [Mr. FILNER] was here, and he represents San Diego, and they had one of the first programs ever on community policing and the dramatic impact it had on crime in San Diego, and then there was the gentleman from Massachusetts [Mr. MEEHAN], Middlesex County, Lowell, MA, where he talked about his role as a district attorney to help to reduce crime.

Mr. Speaker and those folks who are listening to us, there is no one program that is going to solve crime. There is no one police agency in and of itself that can solve crime. We will never solve crime until the citizens we serve work hand in hand with the police officers who are there to help them. Fighting crime is more than just prisons, fighting crime is more than just putting a new law on the book, and it is even more than just police officers. There must be a partnership between the police, the citizens they represent, but most of all it is a responsibility for each and every one of us in this great country.

I would like to speak, if I may, about two programs tonight in my home State of Michigan; the COPS program, as it is called, in Marquette, MI, which is in northern Michigan and is a town of only 17,000 people. But the community policing program works in rural areas as well as in urban areas, but the COPS program was started back in 1990.

In its first 2 years of operation, Mr. Speaker, overall crime in my city dropped 23 percent. As the community police officers get progressively closer to the community in which he lives and serves, more and more citizens are coming forward to report incidents of crime. This is because a community and a community police officer have developed a special relationship that relates to more trust, more confidence, a greater willingness to become involved in the system.

I would like to share with my colleagues some other stories regarding the COPS program in Marquette, MI, because the program is often referred to as just Cops on the Beat. Well, more than just cops on the beat, they must interact with the communities.

A major problem area in Marquette centered around a 116-unit family public housing development the COPS program in Marquette County and Marquette city had developed in coordination with the city police and the public housing authority in an attempt to decrease the crime rates there at the public housing. A police officer, a public housing authority and residents there formed a partnership which was developed to reduce crime and maintain order. The program has lowered crime and has restored a sense of pride in that housing project.

A good example was back in 1991 and 1992, Halloween or Devil's Night, as it is called, with the first 2 years in which there were at least 26 fires, arson fires, per night in and around this housing project. But with the working with the local police departments, volunteers on patrol and CB radios, Mr. Speaker, we have gone on to deter this program, and last year not one arson complaint was answered during Halloween or Devil's Night.

Another one they did in Marquette was the adopt-a-park program, and it was to eliminate the drinking and drugs in a wooded area by the community, and again the COPS program opened up this community, identified the problem and patrolled the area.

Other achievements that COPS programs have helped out is bike registration, bicycle safety, child identification fingerprinting, bike patrols, court-referred workers to do community service work, anti-trespass programs, say no to drug crimes, community child watch program and others. Again the first year the COPS program, and there has been much criticism of the President's program, and you only have so much money. How are you going to pay for 100,000 cops?

Well, as you all know, it is a sharing program—75 percent of the costs of the police office for the first year is paid by the Federal Government, 25 percent is paid by locals. Second year it is a 50-50 match. That is how we can provide 100,000 police officers underneath the crime bill that was passed last year and that took effect as of October 1 this year.

There are 17 police departments in Michigan with COPS programs. The COPS programs throughout the State, the one in Marquette, was rated No. 1, but from a small city like Marquette of 17,000 people you can go on to city like Detroit, our largest city in Michigan.

The recently passed crime bill has awarded the Detroit Police Department 96 new police officers. These officers are currently attending the Detroit Metropolitan Police Academy and are being trained in community policing. Why community policing? Because we know that when police officers work with the folks in which they must serve, it is the greatest positive effect on reducing crime.

The community policing program in Detroit has conducted over 130 residential surveys, has installed security hardware for citizens, has organized over 50 blocks in the city streets into neighborhood watch programs and has increased and provided aggressive patrolling in high drug activity areas. It has created and maintained child safety and substance abuse programs and continues the youth programs to combat violent crime and drug related offenses.

I want to ask in the survey what was the most positive change in these areas just during the last 3 months. The

great majority of these residents responded and said, "It was community policing and a police keep-the-cops-on-the-streets program."

Now our friends on the other side of the aisle are going to tell us in the next few days, and probably on to Monday, that Members, that mayors and local elected officials, support this family and the Clinton COPS program, that they want to wider discretion, and let the locals determine what it is. But we believe, those of us on this side of the aisle, that what we will do is just buy more pork barrel projects that we saw in LEAA in the late 1960's and early 1970's, but as my mayor in Detroit, Mayor Dennis Archer, said, the time has come for us to stop throwing money at crime, but put it into law enforcement officials, and what they want is cops and not programs.

Mayor Archer believes that the President and the Congress got it right last year when we funded the police on the street program. People in Dennis Archer's city of Detroit, or whether it is up in my district in Marquette, want protection and the ability to walk their streets at night, and we know that the only way to do it is to continue funding for the 100,000 cops that currently exist with the cops on the beat program.

One of the most effective tools for law enforcement committees is about to become a casualty underneath the GOP crime bill. Those of us are here tonight, and many others who cannot be with us, intend to keep fighting to keep the 100,000 police officers on the street.

Underneath the GOP plan of block grants there is no guarantee that any police officers will be hired. There is no guarantee that the cops on the street program will be maintained. There is no program specifically earmarked for community policing.

Tomorrow I know the President will announce underneath a fast cops program that 49 more police officers have been awarded in my district alone, 250 in the State of Michigan. Marquette, with their program ready to run out, will be awarded another police officer. In the President's program, in the one that we are fighting to try to save, there is very little bureaucracy. In fact, in order to do a fast cop application, it is a one-page form. It is a program that began November 1, and here we are on February 7, 1995, just over 3 months, and they are already just in my State alone providing 250 police officers underneath the cops fast program.

It is a good program. It works. There is very little pork—there is no pork in it. There is very little administrative cost. My police agencies are very pleased with us and implore us to continue keeping this program.

One more word before I turn over to my good friend from Massachusetts [Mr. MEEHAN]:

Community policing and the cop on the street or cop on the beat, whatever

handle you want to put on it, is a program I strongly believe in, having been a police officer for many years myself. When I was in the Michigan legislature, I helped to write the community policing program in Michigan. It is a winner. It works. But it only works when we put police officers in touch with their local communities, and they work together to provide secure residents, secure neighborhoods, by getting the trust, the faith and confidence back in law enforcement.

With that I yield to my good friend from Massachusetts who comes from maybe a little different perspective, not being a police officer, but a district attorney in Lowell, MA.

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Mr. MEEHAN. Mr. Speaker, let me first of all say to the gentleman from Michigan, Congressman STUPAK, I want to congratulate the gentleman for his efforts. One of the ways I think we are better able to articulate what we need to do in the fight against crime is to rely on the various experiences that the Members of Congress have. Certainly the gentleman's experience, 12 years as a police officer, is a very, very important experience and one that I hope that our colleagues will pay attention to as we debate this bill offer the coming days.

I wanted to comment first of all, the gentleman mentioned the one-page application. Because he was a police officer, the gentleman is aware that oftentimes police departments across the country express concern in dealing with the Federal Government because of bureaucracy in the past. But the gentleman has indicated a one-page sheet is all a police department had to fill out. I would imagine that the gentleman has gotten some favorable responses from the police departments in his district, as I did.

Mr. STUPAK. In the first round of the Clinton cops program, we did receive four sheriffs in one of my larger growing areas, two in Grand Traverse County, one in the city of Escanaba, and another in the California Kalkaska sheriff's department. All these individuals related to me once we submitted our application, there was some phone calls and verifications, and that was it. They sent in a voucher periodically, certifying the individual is working for that department. They sent in an invoice based upon their cost to the local department. The Federal Government then pays 75 percent. It was one of these programs that was so simple, they were so surprised at the reduction in paperwork, that the Federal Government not only did it right but did it extremely efficiently, quickly, and responded to their needs.

Mr. MEEHAN. I do not remember any time the Federal Government undertook such a major project, putting 100,000 police officers on American streets, and did it so quickly without really any of the bureaucratic messes that have plagued other programs in the past.

Just this past September, President Clinton signed into law what I believe was the most comprehensive, smartest, toughest crime bill in the history of this country. This legislation, as the gentleman indicated, was the result of many years of hard work from law enforcement professions. When I listened to the debate and the rhetoric in the Congress, I cannot help but think that we would be better off if we had more Members of Congress with some of the experiences in law enforcement. It would help kind of frame what this debate ought to be about.

It seems to me any law to put more police officers on the streets is very, very important, particularly this community policing, which is really the cutting edge of law enforcement.

We have an Attorney General now, Janet Reno, who is a lot different from previous Attorneys General in that she has been in the front line of the fight against crime. It is not often when we have been able to point to an Attorney General that has ever prosecuted a case, that ever has managed a criminal law enforcement agency, that has ever had to put prosecutors out to a homicide scene.

As I listen to the rhetoric in the Congress, it is very, very clear that there are very, very few Members of Congress who have had that experience in the frontlines of the fight against crime. And this crime bill, with 100,000 police officers, is without question working everywhere in America.

I want to mention my home city of Lowell and community-based prosecution. When I first became the first assistant DA in Middlesex County, by the way, it is one of the largest counties in the country, we had 13,000 criminal cases per year that came into that office.

It was my responsibility under the district attorney when there was a homicide anywhere in Middlesex County to have to respond to a beeper from the State police to get to a homicide scene to begin the investigation. The first five homicides in the county, three of them were in the city of Lowell. It is an area that has suffered through a very, very difficult time in terms of crime. Since the passage of the initiatives from this Attorney General and this administration, they have formed community partnerships, which are the hallmark of community oriented policing.

During the last year Lowell has opened up several neighborhood precinct departments in several neighborhoods. They put together something called Team Lowell that involves the community, the probation departments, the police department, and the school departments, working together to identify career criminals and identify those who are the repeat offenders.

They have also put together a community response team, with inspection services. They have closed down more

than 150 buildings in 1994 which were identified as drug houses. That is what the front line of fighting crime is all about. They have established flag football leagues, where the police officers are volunteering their time to work in these leagues to get kids headed in the right direction.

As I listen to the debate and I anticipate the debate on this bill, I am very concerned because the Republican alternative will not put 100,000 new police officers on the street.

Mr. STUPAK. I know the gentleman has been working on the crime task force with myself and many others, and you have been deeply involved in this. Do you know how many police officers will be allocated or earmarked under the Republican crime bill we are debating this week?

Mr. MEEHAN. There will be absolutely zero earmarked. What they are attempting to do is put money into block grants and send them to communities, and hope that those communities use the money correctly, and hope that those communities are on the cutting edge of community policing. So there is no guarantee there will be any police officers as a result of this crime bill.

Let me also say in regard to that, as I watch and try to figure out how in the world we could have passed a crime bill initiative like this, it has only been given four months to work, and all of a sudden there are new proposals coming forward. I see stories where it shows there are political polls that have been conducted to come up with this data, focus groups where they bring in citizens and figure out what citizens are thinking or what the buzz words are. And it really bothers me, because the fight against crime is serious business. It requires a level of professionalism. It requires looking beyond political polls and focus groups and looking at hard data of what works and what does not.

That is what this bill is all about. Community policing works. It works anywhere where it is instituted in America properly.

In my city of Lowell we have 13 city police officers that undertook a program of community policing, where we got those police officers in the community, learned who was who in the community, identified those worse offenders, those people who should be made a priority, and made them a priority in the criminal justice system. It worked with the majority of the other people to get the trust.

The gentleman told a story at one of the task force meetings of what happens and where you get information. You more likely get information riding in the neighborhood from a kid riding a bicycle, assuming that police office has the credibility. That is what happens under community policing.

It is interesting to me, because there was a press conference in the city of Lowell last week; the police chief wanted to have a press conference and

show what happened in the city of Lowell as a result of the community policing efforts.

The report is out, and I got a copy of that report this week, that shows the number of assaults, burglary, larceny, and car thefts. In 1994 they have changed dramatically. For example, burglaries are down 34 percent in the city of Lowell as a result of community policing; residential burglaries, down 32 percent; business burglaries, down 41 percent; larcenies, down 23 percent; car thefts, down 20 percent.

Now, a lot of Members will not want to make determinations of how they going to vote based on this, because it is hard data from a police chief in a community that is making community policing work.

You see, this is not a political poll. It is not a focus group. It is not anything that necessarily sounds good. It is not something that has anything to do with authorship of a crime bill. It is just cold, hard facts of what is working in Lowell, MA. And it is community policing. All of these categories, crime is down significantly, and the police chief of that community says the reason it is down is because of the fact that they have instituted the community policing program there.

This is how we should be determining what we do in the crime bill, what is working and what is not. That is what fighting crime is all about. I know in your experiences you have had experiences where some things work and some things do not. Once we know what works, we have to put it into the form of legislation that gets the job done.

□ 2000

Community policing gets the job done.

Mr. STUPAK. It is not just what works; there has to be a commitment, a commitment so the resources will be there.

Back in 1978, 1979, when I was in the Michigan State Police, one of the first community policing pilot programs in the Nation was in northern Michigan. If I can go back up to Marquette County, it is a very large county. There it is very sparsely populated at some point and other points it has, like I said, my largest city of 17,000. But there are these three townships. We call them the tri-townships, which was sort of struck away from the center of population, sort of extreme end of the county. They had a rampant crime rate going on, based upon the number of people there.

The factors we looked at, back in 1978 and 1979, is population density, the number of crimes committed, and the number of juveniles who live in that area. Then when we went in there, we identified these three townships. We asked the township boards, one of the most local forms of government, if they would be willing to share in a community policing program and would they put up a police officer and some resources and the Federal Gov-

ernment would provide them with a State trooper to go in and to coordinate it and work out of homes and live in the communities.

Well, in less than 2 years, they reduced the crime rate by 70 percent. They were solving burglaries and safe jobs 5, 6, 7 years old already. But once the community realized that it was their police officer and it was them that were involved in this fight against crime, they knew that when they called that police officer and if their house was broken into, the police officer who responded would be the same police officer that followed up the investigation, who would be the same police officer that went to the prosecutor's office. It would be the same police officer would be there in court with them, that trust relationship developed and we were able to solve crime in this very sparsely populated, tri-township area of Marquette County. That was back in 1978-79.

When they left, when the trooper left in 2 years, tri-township still has a police department. They are still involved in community policing. And they still have been able to keep the crime rate at a very low rate, even up in northern Michigan.

So community policing does work.

You mentioned Lowell and your Team Lowell. In Detroit, with the 96 police officers they received underneath the Clinton Cops Program, they called their team or the program CLEAN, which is the initials for Community Law Enforcement And Neighborhood Teams.

So CLEAN in Detroit really symbolizes what we want. We want the community working with law enforcement who are in neighborhoods working together to help solve the crime problems. If it can work in Detroit, MI, or tri-township in northern Michigan, it can work anywhere in this country.

And it is one program that, yes, we need police and, yes, we need the public working with us, but we need some leadership and some financial resources from the Federal Government. And that should be our role. Not to tell them what squad car to buy or to buy this radio, but you set up your community policing program. We will give you the incentives. We will provide you, and it is up front, it says right on our application, 75 percent the first year, 50/50 the second year. The 75/25 match with Federal paying 25 the third year and the fourth year hopefully you are financially able to then provide the program itself.

And as you pointed out, correctly pointed out, here we are 3 months later, just over 3 months, arguing for the life of a program which everyone has said works.

How do Members go back to their local communities and say, that cop that was walking the beat, that was providing you that extra bit of security, that person you trusted, the person you had confidence in is going to

be terminated because we have just terminated the program. Because remember, we are talking about the same pot of money here.

When the crime bill was passed last year, I did not support all the aspects of the crime bill. In fact, I, even in the House, I voted for it. And in the final conference committee, because of what happened to the Byrne grants and some other crime labs, I was not pleased with it. I did not support it.

But the point is, there was \$30 billion that was what we always centered around, \$30 billion over 5 years which is going to be paid for by reducing the number of Federal employees that would go into the crime trust fund so the money would be there.

And the Republican proposal right now is \$30 billion. But instead of having police officers on the street, what they want to do, they want to go to these block grants and they want to shift it to prisons. We will never fight crime if we merely throw everyone in prisons. We do not have enough prisons.

And the fallacy with the argument further is, you can provide money for the brick and mortar, but what about the costs for the security officers, the corrections officers, the administration of those prisons.

In northern Michigan, we had two prisons, one in Baraga, a maximum security prison, which Michigan went on a prison building spree in the 1980's, and we built these prisons. For 2 years, Baraga maximum security prison sat empty because the State did not have the money for the correction officers or for the administrative cost, operational costs of that prison. We had a juvenile detention center. We built a juvenile detention facility so young people that had to be incarcerated could still stay closer to their families. The closest one for northern Michigan was some 400 miles away, and it was built in Escanaba, my hometown. Again, when I was back in the State legislature, we got that program put in. That was 1989.

It just opened this year, excuse me, July 1994. So it has been built, it has been sitting empty because we did not have the money to maintain it. And now Michigan is on another prison building spree, Newberry regional site is going to be built, again up in my district. But how long will that last? They are going to use some Federal money to clean it up, build it up but, again, nowhere in either bill, the Republican proposal, is there any money for the administration, for the correction officers of these prisons.

Mr. MEEHAN. That is an interesting point. We are going to commit extra moneys, we are going to take money out of other sections of the bill and give it to build still more prisons without even having—we talk about local mandates, how people, once these prisons are constructed—who is going to pay for them? The local communities

and the States are going to have to try to pay for them.

You are right, many of them do not have the money to pay for them. It is interesting, I had gone back to the D.A.'s office during the congressional break, and they had listened to a lot of debate on the crime bill. And they said, "Boy, we disagree with much of rhetoric that we heard. And it sounded like you guys were really getting a lot of rhetoric about getting tough on crime."

Ninety to 95 percent of all crimes in this country are enforced, prosecuted on the local and State level. And I have been amused by the debate in the Congress about getting tough on crime, and we are going to require so many of this and so many of that. And the truth of the matter is, all this bill is about is giving local prosecutors, local police departments some help. And no bill has ever given this much help in the history of the Congress to local communities in hiring more police officers and actually putting them on the street.

The other thing that I think is unfortunate is this bill passed with bipartisan support. This is not something that just Democrats should support or just Republicans should support. Anyone who has been in law enforcement, whether they are Democrat or Republican, support community policing.

Governor Bill Weld from Massachusetts, a Republican, a prominent Republican, strongly supports community policing. And guess what, he is a former Federal prosecutor. He knows a little bit about what law enforcement is really all about. He also supports, strongly supports the basketball programs that were part of that bill. Guess what? He is a law enforcement official.

Ralph Martin, a Republican district attorney of Suffolk County, strongly supports community policing money. So the truth is anyone that knows anything about what works in law enforcement in this country and what does not work strongly supports community policing.

So here we are, it seems to me, having this partisan debate back and forth. I have to believe it is all about authorship. It is all about, you have some of the same Republicans who supported this bill now apparently are going to go along with making some changes so it now can be a Republican crime bill rather than a Democratic crime bill. We need a crime bill. We do not need it to be Democratic. We do not need it to be Republican. This issue transcends partisan politics.

I wish that we could take the expertise that is available. If there is some tinkering that needs to be done, let us make some changes. But not wholesale changes that may result in my hometown community of Lowell, MA not being able to put together the type of community policing programs that work, that is making the quality of real people's lives better day in and day out because as a police officer in

the communities that knows that community, making sure that burglaries, larcenies, and car thefts, businesses are safer, all are going down by anywhere from 20 to 41 percent.

□ 2010

Those are the facts. Unfortunately, too often in the debate around here, the facts are secondary. It is all sound bites, political polls: "We don't want to know what law enforcement professionals say. What we want to do is what we think will make either the President look bad, the Democrats look bad, or somebody else look good." It is a foolish way to attempt to fight crime, and it is really unfortunate if we take a step backward, rather than forward, when we have a program that is working.

It is interesting that I talked about an urban area in Massachusetts, Lowell, MA, where it is working effectively, and you cited examples of rural areas where community policing is working effectively. It seems to me, Mr. Speaker, that is what this debate ought to be all about.

Mr. STUPAK. Mr. Speaker, the other point that should be made in community policing, nowhere in the bill that was passed last fall do they tell you how to do community policing. What may work in Marquette, MI, in our 116-unit public housing unit, may not work in Lowell, MA.

But what we have said is, this concept of community policing is flexible. It transcends party lines, it transcends neighborhoods, and what it must do is, you must tell us what works in your community, put forth your proposal, and we promise you that we have 100,000 new police officers that we would be willing to put forth and assist you in that concept.

So the creativity that we need to fight crime is there. The only thing we ask is to develop a program where the community can work with the police and build on friendship, trust, and confidence in each other to fight crime.

As we said earlier, I know you have alluded to it and I stated earlier, in order to fight crime it is everyone's responsibility, everyone in this Chamber, everyone who is listening to us tonight. It is our responsibility to help the police officers.

When I went to a crime scene as a State trooper, whether it was an automobile accident, a breaking-and-entering, or a murder case, whatever it might have been, I knew nothing when I got there until I stepped out of my car. I could rely on my sight, my five senses, but I had to rely on the community, witnesses, possible witnesses, to fill in the blanks for me or to create that puzzle, and when the puzzle is complete, hopefully then we could apprehend a perpetrator.

So we always had community policing in a sort of effort. The difference about this program is that being the police officer working a small community, hopefully I will know them on a

first name basis, we will have a chance to have communications in a more friendlier, relaxed atmosphere, as opposed to a conversation during the height of a crime or a criminal investigation.

Because when I pull up in my squad car they would not know who I was, and I did not know who they were, so two strangers or three or four strangers were supposed to solve a crime. But if we have three or four friends trying to solve a crime, the results are much greater.

Mr. Speaker, that is why community policing is such a valuable tool. It has been around for a few years. What has always kept policing down is the cost. It is expensive to assign a police officer to a couple of townships, and he takes his car home with him every night. It is not parked at the station.

He has certain needs which require a little bit more than probably a police officer who switches cars at every shift, and trades off with equipment, because each individual is a police officer and almost a police station in and of himself. His office is his home or his office is his car or her car. It requires a degree of help. What this program offers them is, we will make a 3-year commitment if they will commit to a community policing program that will work in their communities.

Mr. MEEHAN. Mr. Speaker, the other thing that is interesting, and I thank the gentleman, when we had the crime debate in August just before the recess, it became frustrating for me listening to the rhetoric of many Members of Congress who had never been in a district attorney's office, had never been police officers, and really had very little experience, real life experience, in crime, in fighting crime.

I challenge Members of Congress to take some time during their recess to go into a district attorney's office and volunteer, whether it be volunteer to work with attorneys on cases, whether it be to volunteer with victim witness advocates, who have to take the victims of crime and let them know what their rights are and help them through the criminal justice process, which is so intimidating to many victims, particularly victims of domestic violence, who really are victims twice, once to the original abuse, and twice when they have to go through a court system that frankly is not equipped to deal with the devastating problem that is permeating American society.

But I challenge Members, and I have talked to Members to see whether any had the time to go into a district attorney's office, or to go into a police department and learn what the front lines of the fight against crime is really all about. I cannot help but believe if more Members had been willing to do that, to really find out what is happening in district attorney's offices across this country, in attorney generals' offices across this country, in police departments, whether they be urban police departments, whether they be county police departments or suburban

or rural police departments, it would certainly help the tenor of the debate here if we can begin to debate real, professional crime tactics, real, professional crime opportunities that we have around this country, rather than to listen to the bantering back and forth based on, as I say, a focus group, a political poll, what sounds good, what might make the President look bad, what they might be able to embarrass the Attorney General with, partisan politics, back and forth.

It is amazing. This is not a partisan issue; this is serious business. I feel very strongly that efforts to kill this community policing program are not in the interests of the communities that we represent, the communities clear across America.

It is really important that we stay the course and let this program work. Four months, 4 months, and we are talking about dismantling a program that I have shown very persuasive evidence tonight that is working, not only in Lowell, MA. It is working all over the country.

To take partisan politics to defeat this is something that disturbs me greatly. I hope that the debate on this will be a debate based on the merits of the argument. I oftentimes would break with my own party's leadership in the last 2 years, and boy, oh, boy, talk about party discipline this year, march step-by-step, go to the left, go to the right.

I hope that we can have a legitimate debate about the community policing program in this country, because it would be great for America, it would be great for law enforcement in this country, and I think in the long run it would dramatically increase standards of living by lowering the crime rate all over this country.

I thank the gentleman for his efforts on the Crime Task Force. I look forward to working with him over the next several days, and well into next week. I don't know how long we will get to debate the community policing program. It seems we are going to spend more time up front debating the first few days of the various victims' issues, which I think there is a broad agreement on.

There is nothing wrong with, as I say, making minor adjustments to the bill. We spent half a day, three-quarters of a day, debating something that we all agree on, that we all agree on, but it seems when we get down to the end of this debate on community policing and prevention programs that are working, it looks like we are going to be a little squeezed for time, because we are going to be running out of time. I am not sure whose birthday it is, but we have to get it done on Tuesday, so there is not going to be a whole lot of time.

I would hope that we could get a discussion based on the merits of the arguments over the next few days, and your experience as a police officer for 12 years has been invaluable to our task force, invaluable to the Members

of Congress who are looking at this issue objectively, trying to find professional solutions to what many Americans feel is the No. 1 problem facing this country, crime.

So thank you for your efforts, and thank you for putting together this special order. I look forward to working with you.

Mr. STUPAK. I thank the gentleman for not only joining me tonight, but also last night, along with the gentleman from California [Mr. FILNER], the gentleman from Texas [Mr. CHAPMAN], and others who came out.

The purpose for doing these special orders or 5 minutes, as you can see, the Chamber is practically empty, is for the benefit of our viewing audience. It is our hope that they will call their Members and urge them to support the community policing program.

This debate will probably start, I think, Thursday, and then go into Friday and possibly Monday.

□ 2020

So time is of the essence. We are on this fast track legislation.

Many people throughout my district, and as I speak out more and more on community policing and 1,000 police officers, the cops on the street program, most people are not aware that the proposal that will be presented later this week is to kill this program, so we need help from the public to call their Representative and tell them to keep this program, keep the police officers on the street. We need police. We need prevention and not just the prisons and pork that are going to be offered by the other side.

#### GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on my special order of today, a tribute to Ronald Reagan.

The SPEAKER pro tempore. (Mr. HANSEN). Is there objection the request of the gentleman from New York?

There was no objection.

#### A TRIBUTE TO RONALD REAGAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York, [Mr. SOLOMON] is recognized for 60 minutes as the designee of the majority leader.

Mr. SOLOMON. Mr. Speaker, I take this special order tonight to pay tribute to a great American, the greatest American that I have ever known, and that is President Ronald Reagan. As you know, I had intended to hold this event last night as a birthday present for the former President, but the House was occupied on an even better birthday present, passage of the line item veto. And what better birthday present

could be offered to the President and to Mrs. Reagan than to complete the unfinished business of the Reagan revolution?

I know I speak for every Member of this House, Mr. Speaker, and virtually all Americans in offering President Reagan and his beloved First Lady, Nancy, our prayers and our very best wishes on this very wonderful occasion.

Mr. Speaker, what do you get for the man who has everything, so that saying goes? Well, Mr. Speaker, as we observe President Reagan's birthday, a better question is how do we appropriately honor a man who has done so much for us, for our country and for the cause of freedom around the world? Our tribute this evening should extend beyond the President's accomplishments in office, although they are numerous, too numerous to mention here tonight.

Let us examine Ronald Reagan's record with the benefit of historical reflections. The story has been told that during his darkest hours, President Nixon was reassured by those around him that history would treat him well. Ever sharp and skeptical, President Nixon shot back, "That depends on who is writing the history." In the case of Ronald Reagan, Mr. Speaker, most of those writing the history of his Presidency have done everything in their power to turn light into darkness, achievement into failure and hope into despair.

Those of us who stood shoulder to shoulder with Ronald Reagan from the very beginning are here today on the occasion of his 84th birthday to say that we are not going to let them get away with it anymore.

Ronald Reagan's views now occupy the center, the main street, of American politics. Look at some recent House votes, the balanced budget amendment passed this House by 300 to 132; unfunded mandates reform to implement the new federalism Ronald Reagan espoused passed this House by a vote of 360 to 74, and the line item veto just the other day, 294 yeases to only 134 noes. All of these measures passed with substantial Democratic support from the other side of the aisle as well, good conservative Democrats voting for the Ronald Reagan programs that we were unable to deliver a number of years ago.

And, yes, Mr. Speaker, throughout the proceedings of the 104th Congress and, indeed, through the election of 1996, coming up, a history debate has been resolved in favor of the ideals articulated by President Reagan and his remarkable vision.

Over the last 15 years, President Reagan's goals were subject to the most robust scrutiny that our system of democracy has to offer. During the 1994 election, some liberal Democrats even campaigned against the Contract With America on the basis that the contract was a continuation of what, of the Reagan legacy. Can you imagine?

Well, Mr. Speaker, the actions of this Congress are evidence that President Reagan's legacy has not just endured that test of scrutiny and criticism but that it flourishes today to the benefit of all Americans.

It is useful to look back, however, in order to more fully savor and appreciate President Reagan's vision. American morale in the 1970's, think back, could not have been lower. President Jimmy Carter declared us in a state of malaise. Ronald Reagan's Presidency was what turned things around. Ronald Reagan's economic policies triggered the largest and longest peacetime extension of our economy in the history of the this Nation.

Nineteen million new jobs were created. Incomes grew at all levels and new industries and technologies flourished and exports exploded. Why? Because President Reagan, he cut taxes, he slowed the growth of domestic spending and regulation, and he restored faith in what he liked to call the magic of the marketplace.

That magic then caught on all around the globe. Remember, my colleagues, the world in 1980 was a very different place than it is today. The Soviet Union was continuing a massive arms buildup, bolstering the formidable number of missiles already pointed at the West, and at cities right here in the United States of America. Soviet troops were marching literally through Afghanistan. Do you remember that? Eastern Europe suffered under the boot of totalitarian regimes, and the Berlin Wall scarred the face of Europe.

The United States military was described back in those days as a hollow force, and our citizens were held hostage by thugs in a place called Iran. Do you remember that?

Our world today contains pockets of instability, but the simple fact is that democratic tide that has swept this globe in the last 5 years is a direct result of Ronald Reagan's Presidency. The man and his policies were essential to freedom's march across this globe. It was Ronald Reagan who faced down the nuclear freezeniks in this Congress and in Western Europe by deploying the Pershing II in West Germany.

Eventually this deployment and a policy called Peace Through Strength, Mr. Speaker, that you and I helped to formulate, forced the Soviets to the bargaining table. The result in 1987 was the IMF Treaty, the first agreement to eliminate an entire class of weapons. Ronald Reagan turned out to be right on that issue.

It was Ronald Reagan who armed freedom fighters in Afghanistan and in Nicaragua, allowing those nations to determine the course of their own destiny. Ronald Reagan was right.

It was Ronald Reagan who said this country had a moral obligation to defend its citizens from nuclear attack, and that we had to strive for something better than that and the same policy of mutually assured destruction with weapons aimed at every city in

America. He said we must work for the day when nuclear missiles were no longer pointed at American cities.

But the experts laughed, and they ridiculed. "This is nothing more than a naive daydream of a silly old man." Do you remember reading those headlines by the liberal press in this country? But you know what, again, Ronald Reagan was right. President Reagan pointed out from the start that the Soviet system was morally and financially bankrupt. Such a system, he argued, could not bear the cost of occupying Eastern Europe.

What was the ultimate result of Ronald Reagan's Peace Through Strength policies? Well, as Ronald Reagan used to say, the Soviet Union collapsed and captured nations all around this world were freed from the atheistic tyranny of the tentacles of communism.

Once again, Ronald Reagan was right.

It was Ronald Reagan who stood under the shadow of the Berlin Wall, which you all remember, and said, "Mr. Gorbachev, tear down this wall." I will never forget his saying that. The experts laughed again, and decried his plea as a public relations stunt. Do you remember that? But Ronald Reagan was right again as he always was. Ronald Reagan encouraged us to maintain a strong defense in case the United States was forced to defend its interests in any remote corner of the globe, and after all, that is the reason this Republic of States was formed, to provide for a common defense, to protect America's interests around the world.

Given this, should anyone really be surprised that our Armed Forces performed so well during the Persian Gulf war? President Bush and General Schwartzkopf were able to lead our troops magnificently and to bring them home with astonishingly low casualties. Do you remember that? Once again, Ronald Reagan was right. Those of us who served in the House at the time and fought President Reagan's fights right here on this floor were so proud to do so.

I was honored that President Reagan signed my legislation to create the Department of Veterans Affairs so that we could guarantee that, with an all-volunteer military, it would work.

□ 2030

As a member of the House Committee on Foreign Affairs. I was so, so proud to carry his water for a foreign policy respected around the world by friends and foe alike, and it was a privilege to join these battles, looking back at the enormous good that came of those policies. But, Mr. Speaker, more than any specific policy, we must salute Ronald Reagan's ability to bring out the best in us as a nation. He consoled us on the evening of the *Challenger* disaster. Do you remember that? It was a sad day in our history.

And on the 40th anniversary of the D-Day landing, Mr. Speaker, President Reagan painted a vivid picture of the

scene on that day and genuinely proposed that we, we dedicate ourselves to the cause for which those soldiers gave a last full measure of devotion.

He never offended us with staged prayers or phony flag placements. His words and his gestures were all genuine, and, as proud as we should be of his many accomplishments, Mr. Speaker, it is a sad commentary that it took over 5 years longer, over 5 years longer, to tear down the wall of resistance to the line-item veto and the balanced budget amendment. It took 5 years longer than it did to tear down the Berlin Wall and the Iron Curtain.

Ronald Reagan inspired a generation of young people to ignore the cynical bombardment of the media and hold dear the American heritage: "hopeful, big-hearted, idealistic, daring, decent and fair," as he described it during his second inaugural address.

Mr. Speaker, last night 1,000 supporters turned out for a birthday party, including the former British Prime Minister Maggie Thatcher, that I attended along with many of you to pay tribute to this great President, Ronald Reagan. We were so fortunate to have him as our President during that period of time in the history of our country, and at this time I would yield to a Democrat, one of the finest Members of this House, the gentleman from California [Mr. CONDIT]. He is an outstanding Member.

Mr. CONDIT. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding to me.

Mr. Speaker, whether you are liberal or conservative, Democratic or Republican, from California or elsewhere in the country—you always knew where Ronald Reagan stood on any important issue.

One of his greatest achievements was restoring to our people a sense of the greatness of America.

He was honest, he was forthright, he did not quibble and he was bold. I have always been convinced our hostages were freed from Iran as Reagan took the oath of office because the President had described in great detail his contempt for the Ayatollah's regime. The Government of Iran knew, when Reagan described them as Barbarians, our new President would act if the hostages were not freed. They came home within hours of his oath of office.

Reagan never suffered from a lack of "the vision thing." In large measure, the end of the cold war is the result of his steadfastness and courage in difficult times. In a statement in 1976 on nuclear war, he articulated his goal for all of us: "Those . . . a hundred years from now will know whether those missiles were fired. They will know whether we met our challenge. Whether they have the freedoms that we have known up until now will depend on what we do here." And, 100 years from now, the answer will be that we met those challenges and Ronald Reagan led us to that victory.

Those of us in California perhaps know Reagan better than most other Americans. We embraced him in a special way. We got to vote for or against the former President on nine separate occasions. In California, a State known for its diverse communities, its fickle political loyalties, and its great passion over various ideological issues, Reagan was elected overwhelmingly, every one of those nine times.

Mr. Speaker, I say to the gentleman from New York, Mr. SOLOMON, I'm delighted that you allowed me to stand here with you today to pay tribute to, salute and pay tribute to, a great citizen of the Golden State of California and a great American, Ronald Reagan.

Mr. SOLOMON. Mr. Speaker, I certainly want to thank the gentleman from California [Mr. CONDIT], and he is a Member of the other political party. I used to belong to that political party many years ago myself, and I remember when, about the same time that Ronald Reagan saw the light, so did I, but I just want to thank the gentleman for his comments because certainly no President deserves more bipartisan remembrance and support than Ronald Reagan. I can just stand here all night and think of all the times that he has inspired me, but I can recall one time:

As a matter of fact, I was over in Korea, and we had been over trying to arrange in Vietnam to bring home the remains of fallen soldiers, and we were socked in by bad weather. We could not get back, and it was for the State of the Union Message, and that was the night that Ronald Reagan picked up this heavy budget that was about so thick, and he brought it up, and he dropped it like that on the table, and his finger got caught underneath it, and he actually cracked the bone in his finger.

But he was talking about the Federal Government and how it has grown into such huge bureaucratic proportions, and Ronald Reagan never really had the opportunity to make the corrections because he never really had a Congress that would back him up. In 1981 and 1982, Mr. Speaker, he accomplished more in the first 2 of his 8 years than in all the other time, and unfortunately, because we did what we are going to do this year, we made the cuts in the spending in this Congress that really need to be made to bring us back to fiscal sanity around here.

We made those cuts, and unfortunately a lot of us got beat, and a lot of good Democrats as well, those conservative Democrats that sit in that corner right on that side of the aisle, and a lot of Republicans, and consequently Ronald Reagan in the next 6 years, was dealing from a point of compromise where he never could really finish the Reagan revolution, and I am going to be speaking about that as I close out my remarks in a few minutes, but right now I would like to yield to one of the outstanding Members of this body. He is from Miami, FL. He is now a member of the Committee on Rules with me,

and we are so proud to have him there because he is my kind of a guy.

He is like Ronald Reagan. He is a fighter, and he is a man of vision, and I yield to the gentleman from Miami, FL [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Speaker, I want to thank the gentleman and say, as chairman of the Rules Committee, you were instrumental and really decisive in the fact that passage of the line-item veto was accomplished on President Reagan's birthday, and I think that that was so appropriate because, as you have mentioned, he fought so long for passage of that, that weapon in the arsenal that will be needed to balance the Federal budget, and what an appropriate birthday present it was for President Reagan.

Mr. Speaker, at each moment in the history of the United States, when the Nation has been in danger, great leaders have risen to guide the Nation to safety.

□ 2040

I think, as Chairman SOLOMON pointed out so wisely, it is appropriate and really necessary to think back upon the condition of the Nation and the world at the time that Ronald Reagan became President, at the time that he was elected to the Presidency in 1980.

I think it is important to think back a minute to that moment. The Soviets, as Chairman SOLOMON has mentioned, felt so emboldened, felt so unthreatened and so unchecked, that for the first time in history, even after so many instances and examples of aggression that they had committed, for the first time in history they rolled their own tanks directly into a nation not even in the Warsaw Pact, a nation that was not even a slave nation, a satellite nation of the Soviet Union, into Afghanistan. They just directly rolled their tanks in there and surrounded, as you will recall, the Presidential palace, and they blasted away, killed the President and first family there in Afghanistan, and they just felt that they were completely unchecked.

That is along with the capture of our Embassy in Iran by those thugs, as you so well mentioned, I think that illustrates where we were at that point, the lack of respect with which the United States was held in the world, and internally what was reflected, creating that lack of respect, the era of malaise, as Chairman SOLOMON pointed out.

We saw in that era also how, for example, just a few years before the Soviets felt so unchecked that they moved into Africa through the Cuban Castro surrogates, in violation of an agreement after so many years of struggle, for example, in Angola, between the—against the colonial forces, the three different groups there had an arrangement. Yet the communist group, the MPLA, felt so unchecked, unthreatened, that they broke the arrangement and called in the Soviets and Cubans, and they were taking over Angola.

Of course, we saw what happened in Ethiopia, Somalia, and you mentioned El Salvador and Nicaragua.

In fact, I recall, at the time that President Reagan took office, an analysis about El Salvador that pointed out the collapse of El Salvador was imminent. There was nothing we could do. And in Nicaragua, of course, the communists had already taken over. In Grenada, here in the Caribbean as well, the communists had taken over. And then Ronald Reagan became President. And he called the Soviet Union what it was.

I remember like you described him, Mr. Chairman, the experts, when they laughed at President Reagan for calling the Soviet Union what it was, the evil empire.

Now, if you ask the people of Russia or the other captive nations at that time whether the Soviet Union was the evil empire, they certainly knew the answer. But a lot of the so-called experts laughed at President Reagan when he called the Soviet Union what it was. And he worked in such a close alliance with that other figure, as we were speaking before at the beginning of this special order, the other instrumental figure in world history in this century, Pope John Paul II. And he worked in close concert, in such a close relationship with the Pope. And I remember reading a report after the Reagan Presidency about how he put the intelligence community and every instrument of American power that he could at the service of the Pope. And he said:

You listen to the Pope, because the Pope knows what is going on in Eastern Europe and he knows how to deal with those Communists. Listen to him.

That relationship between Ronald Reagan and John Paul II was a decisive relationship in the history of the world, and we saw what happened. And he announced the strategic defense initiative. And the experts laughed at him again and said that is not possible. And we know now, just a few years after the collapse of the Soviet Union, that it was the Strategic Defense Initiative, along with the rest of the Reagan policies that directly led to the explosion that occurred, the collapse of the evil empire.

And he liberated Grenada. I was not in Congress, but I know, Mr. Chairman, that you were, as was the Speaker and others, and how you had to put up, and I see Congressman HUNTER here as well that was in Congress at that time, and how you had to put up defending at that time the liberation of Grenada that the President had accomplished, had carried out, against such ruthless attacks, ruthless attacks, from Members in this body as well as in the media who did not want to recognize the truth and the fact that Ronald Reagan was right, as Chairman SOLOMON stated so eloquently this evening.

And he armed El Salvador, and he saved El Salvador; and he armed the Afghanistan people, and he saved Af-

ghanistan, and he armed the Africans fighting against the Communists, and he saved them as well; and he armed the Nicaraguans against all the pressures, and forced even the Communists in Nicaragua to have elections there, the last thing that they would have ever wanted to do. A great man had risen to lead the greatest Nation on earth to safety, and to save the world. And the rest is history now.

The year that Ronald Reagan left the Presidency, the Berlin Wall collapsed. And then the Soviet empire itself, the evil empire itself came tumbling down.

Now, some will say that it was among the greatest miracles of all time, and it certainly was. Of course, the hand of providence was involved. But it would not have happened without the direct participation and the leadership of Ronald Reagan.

Chairman SOLOMON and Mr. Speaker, he inspired me. President Reagan inspired me to become a Member of our party, as he inspired millions of Americans throughout our country in so many important ways. And I thank him from the bottom of my heart for all that he did for the United States of America, and for freedom and for our posterity. Thank you so much, Chairman SOLOMON.

Mr. SOLOMON. Congressman DIAZ-BALART, I just want to tell you those eloquent words mean so much to me, because I know you spoke them from your heart.

You know, you mentioned Pope John Paul. There is another part of that triangle, and her name was Maggie Thatcher. Between the Pope and Maggie Thatcher and Ronald Reagan, they, more than any three people in this world, are the very reason that democracy is breaking out all over the world instead of the opposite, communism breaking out all over the world.

It was the peace through strength movement that you spoke of that was supported by our free market economy, by this democracy that works, as opposed to a communist government. And because the Soviet Union could not keep pace with us, that is what bankrupted them. That is what brought them to their knees, and that is why democracy is breaking out all over this world.

Let me recognize another part of the country, the State of Georgia, and an outstanding sophomore Member of this body, JACK KINGSTON.

Mr. KINGSTON. Thank you, Mr. Chairman. I certainly appreciate being part of this great special order on a great American, and have enjoyed listening to you and Mr. DIAZ-BALART and DUNCAN HUNTER.

My wife and I actually met through College Republicans. We were so enthusiastic in 1979 with the Reagan campaign, when he won, and Libby would say to me on many occasions, "Don't you just love this President? He's the first one in our life we can be absolutely enthusiastically thrilled over,"

and so forth, and she would go on and on and on about Ronald Reagan.

I finally said, "Libby, I think you love Ronald Reagan more than you love me." And she said, "Yes, but I love you more than I love George Bush." So she put it in perspective for me.

But as you have pointed out, it is absolutely true that Ronald Reagan defeated the Soviet Union without firing a shot. And I think today that the freedom that we have and the democracy that they are getting is simply because of that war. It was the coldest of wars, and yet it was so important. And as people look back and criticize the military buildup during that period of time, that maybe they would prefer to have a deficit than they would to have the deaths of young Americans that would have happened had we continued on the road that we were on.

As you have pointed out, he did the same all over South America and all over the world, and restored America to being a true world leader. I have heard the saying many, many times that there shouldn't be a policeman of the world, but if there is one, let it be America. And that is what Ronald Reagan did. It was always peace through strength.

In addition to that, there is so much domestically. Creating 18 million jobs, the largest peacetime prosperity in the history of this Nation. Bringing down interest rates. Interest rates in the late seventies were 20 percent. When Libby and I went to buy our first house in 1979, the interest rates were 16 percent.

□ 2050

How many young couples can get on their feet with paying 16 percent interest? It is very difficult to do. Inflation, 12 percent when he took office. And he brought it down to the extent that now it is hardly even a campaign discussion.

The Iranian hostage situation, remember now depressing that got to Americans and how we were told, well, we just cannot go in there and play cowboy anymore. Ronald Reagan did not have to. All he had to do was put on his uniform and then the Ayatollah got the message.

The great thing about Ronald Reagan, I would say, beyond those accomplishments was that intangible American spirit that we have within all of us that he reached in our heart of hearts and made us pull out. The other night at this alumni dinner, there were so many people there from all over the country who had returned to Washington to celebrate Reagan's 84th birthday. There were many, many people there from all over the country. One man who was not there is a constituent of mine, Joe Tribble who was a Reagan appointee in the Department of Energy.

But like Joe Tribble, the people who were there the other night were there not because they served in the Reagan administration. That was a job and it

was good times. It is because they were part of something they believed in. And they were all there to say, here was a guy who was a clear-cut thinker, a great American.

If you look at the PATCO situation, there would be so many Presidents who would waffle on the air traffic controller strike. So many Presidents and politicians in general who would say, I am not sure, maybe they should have a right. Reagan said, they took an oath of office that they would not strike. They struck. They are fired. It was clear cut. You might not have always agreed with Ronald Reagan, but he told you how he thought. He told you what he was going to do. And he did it. And that was a strength that made him such a great American leader and world leader, because at the time we had forgotten those sort of things.

I had the great opportunity to meet him one time, Libby and I. I was not serving in Congress with some of you guys, but Libby and I had an opportunity to meet him in Savannah, GA, and had a chance to talk to him, one on one.

What struck both of us is that he was a very sincere and very gentle and very graceful man. He would be the kind of guy you would describe as the last one to leave the foxhole, but the first one to open the door for a lady or senior citizen. Absolutely had the touch.

You will remember the debate with Jimmy Carter, the famous "there you go again," just the graceful way of saying, you know, we have had it, we have heard it.

In 1984, I was going door to door, running for the Georgia Legislature. And I represented a very solid middle-class district and still have the honor of representing most of those people in my congressional or the congressional district that I represent. And I would go to the door and people would say, are you Republican or Democrat? And I would say, I am Republican. And they would say, I am going to vote for you because I have had enough. And I was the first Republican elected to the Georgia General Assembly from the 125th House seat, but I can say clearly, it was because of Ronald Reagan.

Fortunately, I had the picture that Libby and I had with Ronald Reagan, and we put it in a big ad in the paper that said, "Reagan-Kingston, let's face it, we need conservatives on all levels of government."

A good friend of mine who was working for my opponent at the time told me, he said that ad sealed our fate. We knew that if you kept running a picture of you and Ronald Reagan in there, even though you were running for the State legislature, that would do us in.

So I would say, I will yield the floor because I know that the gentleman from California [Mr. HUNTER] wants to say a word or two. But just a great American, somebody that you are happy to be on the ballot with and happy to say, that is my President.

Mr. SOLOMON. The gentleman from Georgia [Mr. KINGSTON] is just such a great addition to this body, ever since he got here. We just appreciate those words on behalf of Ronald Reagan.

Let me say that the next speaker, the gentleman from California [Mr. HUNTER] never is a man of one or two words.

He is a man of many words. All of what he says always makes sense. He is one of the most valuable Members of this body. He has served on the Committee on Armed Services since he arrived here. And when I was on the Foreign Affairs Committee, we were pretty good tandem in carrying the water for Ronald Reagan.

Mr. Speaker, I am proud to yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman from New York [Mr. SOLOMON] for yielding.

I have to say that you were my leader in the Reagan revolution on the House floor and did a wonderful job. The gentleman from Georgia, who has mentioned all the great accomplishments of Ronald Reagan, he himself standing here obviously is part of that Reagan record of accomplishment, because it was the great conservative message that he exuded that helped to bring the gentleman from Georgia [Mr. KINGSTON] to this place and myself.

Mr. KINGSTON. I know my time is up, but the thing that Ronald Reagan did, as much as anything, was let you believe in the American dream again. And one of my dreams, my mother was a Republican Party leader for many years, when I was a small boy, one of my dreams was to be a Member of Congress. And I think Ronald Reagan assured me that the American dream was alive and well. And so you are correct on a very personal level.

Mr. HUNTER. I thank the gentleman. I know we may be out of time shortly. I just would advise my friends, I am going to take an hour and we can continue for a few minutes, if my friends have some other things to say.

But you mentioned about the freeing of the world, a great part of the world under Ronald Reagan. The interesting thing is even though his adversaries classified him as a friend of the rich and the Republican fat cats and all of those derogatory things that they said, he really was a man of the people and not just a man of the average people in America, the middle class in America, but around the world.

Because of his policies of peace through strength and pushing the Russian bear back and refusing to allow our allies to be intimidated by the Soviet Union and finally breaking down the Soviet Union, he created a situation in which literally millions of families around the world no longer had to sit huddled at their dinner table waiting for that knock on the door from a representative of their police state involving themselves in that family's affairs, taking off members of that fam-

ily to the gulags, to the jails, to the prisons, because of their beliefs, because of their religious beliefs, their desire for freedom or their desire simply not to be ruled by a particular dictatorship or proletarian state.

So Ronald Reagan freed literally tens of millions, hundreds of millions of people around this world who had very little relationship to the United States.

And he did that, I might say, by rebuilding America's defense budget.

I think it is appropriate that on his birthday, we reflect on the great things that he did in rebuilding national defense from that level in the 1970's, when we had 1,000 petty officers every month leaving the Navy because they could not support their families on what the Carter administration was paying them.

I remember he brought us from that period when we had about 50 percent of our combat aircraft that were not fully mission capable because we had been cannibalizing those aircraft to get spare parts. And it is fitting and proper that we should talk about him today when President Clinton has dropped his defense budget on this Congress, because President Clinton's defense budget, I think, takes us back to those Carter days or starts us back to those Carter days. It is literally \$100 billion in real terms, approximately \$100 billion less than the budgets that we had in the middle of the Reagan administration.

In fact, most of President Clinton's cuts that he gives great ballyhoo to have been taken from national security, taken from national defense.

What did Ronald Reagan do? I can remember when the Soviet Union very aggressively in the mid-1980's was ringing our neighbors in western Europe with their SS-20 missiles. And they were greatly intimidating our neighbors. And Ronald Reagan moved forward against the advice of all the liberal Members of Congress and liberal pundits and liberal defense experts. He moved forward to put our own ground-launched cruise missiles and Pershing missiles in Europe. That is, he stood up to the Soviet Union, and an apocalyptic situation was predicted by those on the left.

They said, now you can have it. You are going to bring the country down. We are going to have a conflict with the Soviet Union. Yet a few days later, Mr. Gorbachev was on the phone and wanted to talk.

Those talks blossomed into arms control treaties, real arms control treaties in which we trusted but verified. And they brought peace to a great deal of the world and ultimately resulted in our defense budgets coming down, although I think this President has taken them far below where they should prudently be.

Ronald Reagan saved a ton of defense money by being strong at the right time.

□ 2100

I thank the gentleman for yielding.

Mr. SOLOMON. The gentleman from California is so right. Even when we attempted to rescue the hostages being held in Iran, as the gentleman mentioned, we had to actually cannibalize about seven helicopter gunships to get five that would work. Three of those failed and so did the mission. That was typical of what was happening when we were losing back in those days all of our noncommissioned officers and officers because they could not afford to stay in the military. They were on food stamps.

That is where the peace through strength movement came in. We rebuilt our military, we funded it properly, and that is what brought freedom throughout this world.

Mr. Speaker, there is another Member here who is a new Member of this body. He has only been here for 5 weeks, but I can tell you, there are 73 new Republicans in this House. This one I really appreciate. He replaced a Democrat named Tim Penny. Tim Penny worked with me in sponsoring a lot of legislation to try to get this sea of red ink under control that is in this budget here today, presented by President Clinton.

I would like to recognize him now for a few minutes, the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from New York, [Mr. SOLOMON] so much.

I am so excited and proud to be part of this discussion tonight, because I think I speak on behalf of an awful lot of the freshman class this year, that Ronald Reagan was such a leader and such a symbol and such an inspiration to all of us.

In fact, I must tell you in our own family one of our most cherished possessions is an autographed picture that we have of Ronald Reagan, and it is prominently displayed. My wife, Mary, really is one of Ronald Reagan's biggest fans.

I am just so happy to be here to talk a little bit about some of the things that I remember most about President Reagan, both before he became President, and listening to the gentleman from California [Mr. HUNTER] earlier tell the story about the national defense.

I will never forget, I was just thinking about getting into politics in a serious way in 1979. Former Congressman Vin Weber hosted an event up in Minnesota. One of the people who was invited to speak was a gentleman by the name of John Lehman. This was before President Reagan became President.

I will never forget what he talked about. He literally laid out the Reagan defense doctrine that day. It became really the cornerstone, I think, of the Reagan foreign policy. What he said was that it was time that we look the Soviets in the eye, eyeball to eyeball, and say simply this: If it is an arms race that you want, it is an arms race

you will get. It is an arms race you cannot win, and it is an arms race which ultimately will bankrupt your economy.

That was, in a sense, I believe, the cornerstone of the Reagan foreign policy and the cornerstone of the Reagan defense buildup. I think now that we have seen, and many would have never guessed that we would see the day when, as we did a few years ago on Christmas Day, when the red flag came down for the last time over the Kremlin, that we would see the death of communism in our lifetime.

However, it is largely because President Reagan had the vision and the foresight to enunciate that policy and to stick by it, even when some of his own advisors had encouraged him to abandon, for example, SDI, or what some would call Star Wars.

Another memory that I have of President Reagan, I remember, again before I entered the political arena and ran for the legislature, in 1980, in January, I was in Nuone, MN. Some of you were probably here for the inaugural. I will never forget that inaugural address. I pulled the car off by the side of the road and listened on the radio to the inaugural address.

I will never forget how he closed that inaugural address. I think we ought to remind ourselves of it often, because I think it typified President Reagan, his beliefs, his values, and I think he spoke so clearly to the American people when he told the story of the young man from Wisconsin who had written on his diary during World War I, that he was going to work and he was going to fight and he was going to serve as if the entire outcome of the long and bloody battle depended upon him and him alone.

Then President Reagan closed, and I think this is a direct quote, I had this committed to memory, I may not have it exactly right, but I believe the words were these. He said:

Our problems do not require that kind of sacrifice. They do, however, require our best effort, and our willingness to believe in ourselves, to believe in our capacity to perform great deeds; that together, with God's help, we can resolve the problems which confront us now. And after all, why shouldn't we believe that? We are Americans.

I've got to tell you, those words burned in my ears and they burned in my consciousness. I think it is one of the reasons that I ultimately ran for the State legislature, and by the grace of God, ultimately ran for the United States Congress, and I am so proud to be here today.

One of my favorite expressions from Ronald Reagan, and I use it often, if you talk to my staff, and we used it in the campaign, we use it around the office a lot, I believe originally came from Benjamin Franklin. President Reagan used it often. He said "Facts are stubborn things. You know, we can ignore the facts, we can deny the facts, but ultimately facts are facts."

As he pursued his agenda, as he pursued the things that he wanted to do

for this country, he stuck by the facts. I think, Mr. Speaker, many people called him the great communicator. He was a great communicator, but he was a great communicator principally because he stuck to the facts and he talked in simple terms that the American people can understand.

As a matter of fact, another story that I always like to remind people of with President Reagan was when he went to Reykjavik and he negotiated with Mikhail Gorbachev. I remember the stumbling block was SDI. Again, the press was fond of using the term Star Wars. Essentially, we could have a large reduction in nuclear arms if only President Reagan were willing to give up on this misguided notion that he called Star Wars.

Ultimately, the meeting broke down and they were not able to solve many of the big issues. I will never forget, the national press was saying, essentially, This old man was unwilling to give up on this crazy idea, Star Wars, and as a result, we didn't get that peace treaty, the press was having a field day, and they were trying to make light of all of what had happened, trying to make President Reagan look bad.

The next night he came back and he spoke to the American people. He spoke in very simple terms. He said that the SDI, the Strategic Defense Initiative, was America's insurance policy against Soviet cheating. The interesting thing was, the next day all the polls were taken, the overnight polls, and about 85 percent of the American people understood exactly what the President meant and they agreed with him. Than all of the ballyhoo stopped.

Facts are stubborn things. One of the real tragedies, I would say to the gentleman from New York [Mr. SOLOMON] about what is happening today, many people are trying to rewrite the facts. They are trying to rewrite the myths about what really happened in the eighties.

The eighties was a very special time. I don't want to be redundant. I suspect some of the issues have been covered earlier. However, when we look at what really happened with the economy during the eighties, we continue to hear that it was the decade of greed, and during the eighties the rich got richer and the poor got poorer.

The facts do not simply bear that out. The truth of the matter is that real per capita income during the eighties went up by 15.7 percent, and average family income increased by more than \$15,000. In fact, if you look at the poverty rate, it dropped from 13.7 to 12.1 percent.

The budget deficit, believe it or not, was only \$152.5 billion during his last year. Now we are looking at \$200 billion plus budget deficits, on to the end of this decade, and we are saying that it was because of the Reagan buildup.

When you talk about taxes, we keep hearing that the rich didn't pay their fair share during the decade of greed, but the average tax payment for the lowest 50 percent of earners fell by 26 percent between 1981 and 1988, and we removed 6 million low-income families from the tax rolls during the eighties.

The other myth is that social spending was slashed. We talk about all the Reagan cuts of social spending. Unfortunately, I would say, over 45 percent of the \$1.9 trillion in new expenditures during that period went to social spending.

We hear the myth of charitable giving, that Americans were greedier in the eighties, but the truth of the matter is that charitable giving rose \$48.7 billion during the eighties, a 55-percent increase.

Mr. Speaker, it was a very special time. President Reagan was a very special President. In fact, one of my last memories I would like to share with you tonight, my wife and I talk about this often, was when he finally left office.

I talked about when he was sworn in, but when he left the office for the last time, out here on the steps of the Capitol, he turned around and saluted. I remember saying to my wife at that time, I said "Mary, you know, he was a long time coming. He will be a long time gone."

Mr. Speaker, if I could, I would like to close my remarks here with a quote, and I would like to submit for the CONGRESSIONAL RECORD a column which was written by Jeff Bell, because he said more in a few words about Ronald Reagan and he said it better than I can say it. I would like to submit for the record this column.

However, I would like to close, if I could, with the last paragraph, because I think it says so much about President Reagan: "Unfashionable, misunderstood, or held in contempt by political elites of all stripes, never respected by the press, patronized privately, even by his own aides, Mr. Reagan soldiered on with his populist vision and unexpected moves, essentially alone at the top, for eight years of the most pivotal years in world history. This was more than enough."

Thank you, Mr. Speaker; thank you, I would say to the gentleman from New York; and thank you, President Reagan.

The article referred to is as follows:  
[From the Wall Street Journal, Dec. 27, 1989]  
MAN OF THE DECADE? MAN OF THE CENTURY!  
(By Jeffrey Bell)

As European communism collapses, it would seem logical that credit would be given to the man who led the winning side during the decisive period. This shows no sign of happening.

Abraham Lincoln and Franklin Roosevelt died just before the end of the great struggles they won. Ronald Reagan has lived to see not just ideological victory over communism, but what increasingly appears to be a vindication of his seemingly most outlandish hopes for a democratic world. Yet few people give Mr. Reagan himself much credit.

Perhaps this shouldn't be so surprising. In one way, the treatment of his presidency in the year since it ended is a continuation of the pattern of Mr. Reagan's entire political career, which led his opponents (and a solid majority of his allies) to underestimate him and his ability every step of the way. The dynamic of underestimation is helped along by the foibles of his wife, in particular the taste for luxury embodied by the Reagans' recent multi-million dollar trip to Japan, engineered by Mrs. Reagan and her long-time friend, Charles Z. Wick. Harmful as this sort of thing to Mr. Reagan's post-presidential image, in the long run it will be relatively unimportant to the story of Mr. Reagan's presidency.

#### WINNER OF THE COLD WAR

Clare Boothe Luce once remarked that any great presidency can be summed up in a sentence or so. Lincoln: He destroyed slavery and saved the Union, thus preserving and enhancing democracy's example to the world. Reagan: By making democracy vigorous again—ideologically, economically, militarily—he won the Cold War and ended the century-long era in which socialism appealed to popular opinion.

How did Mr. Reagan manage to do these things in his eight years? Did he in fact do them at all, or did a combination of circumstances cause these things to take shape during his watch?

Both of the above are true. Historic opportunities presented themselves to Mr. Reagan—and he took advantage of every single one of them. The result was a global revolution.

Mr. Reagan cut the top personal tax rate in this country from 70% to 28%. He ended inflation and achieved a seven-year-long expansion that created 20 million new jobs. He asserted traditional values, unapologetically. He revived patriotic sentiment and remade the Supreme Court. In the Webster abortion decision, his appointees delivered a crucial defeat to judicial elitism.

In foreign policy, Mr. Reagan was frustrated in Lebanon and Nicaragua, but ultimately nowhere else. He rolled back communism in Grenada. His Strategic Defense Initiative set technological limits on Soviet hopes for strategic dominance. In Afghanistan, Angola and Cambodia, the Reagan Doctrine served notice that Soviet advances were no longer irreversible.

In Mr. Reagan's first term, the Brezhnev-Andropov Soviet regime showed a tendency to push matters in the direction of global confrontation, particularly in its boastful reaction to the Korean Airliner shootdown of 1983. In the face of this frightening Soviet attitude, Mr. Reagan showed no inclination to compromise on anything—SDI, the defense buildup, the deployment of Pershing-IIs in Western Europe or the Reagan Doctrine.

But when Mikhail Gorbachev succeeded to the Soviet leadership in March 1985, Mr. Reagan quickly discerned—before it was evident to almost anyone else—the possibility of a profound change. His repeated assertion of this possibility won him much ridicule through most of his second term, from his natural allies most of all. Particularly after Reykjavik, Mr. Reagan ran into much criticism in this country and in Europe for his indulgent attitude toward the Soviet leader.

But Mr. Gorbachev, perhaps surprisingly, turned out to be the sort of leader highly susceptible to praise and approval from his antagonists. His growing willingness to unleash the human forces in his empire will undoubtedly win him a major place in history, whatever happens to him personally from now on. But that same history will evaluate Mr. Reagan's handling of Mr.

Gorbachev as one of the masterpieces of 20th-century diplomacy.

Mr. Reagan's greatest foreign-policy failure was the Iran-Contra scandal, in particular his attempt to trade arms for hostages. When Mr. Reagan tried to retrieve the situation, with the Kuwaiti tanker reflagging of 1967, initially just about everyone saw his efforts as absurd. The press did. The allies did. The Democrats did. His fellow conservatives did. Even the Navy Department did.

But Mr. Reagan, who genially ignored his critics when he was determined on a course of action, once again was right. The operation was chaotic and seemed to have little rationale, but its target succumbed. In agreeing in 1988 to a cease-fire in the eight-year-old war against Iraq, the Ayatollah Khomeini likened the action to drinking a cup of poison—a cup necessitated by Mr. Reagan's move into the Gulf. This must be the closest thing in recent politics to an international concession speech. This tribute from Mr. Reagan's most implacable and resourceful enemy was a cut above anything said on behalf of the policy at home.

But that was always the way in the Reagan years. A radical or unexpected Reagan initiative would be greeted with reactions ranging from disbelief to ridicule. It was open season during the execution of the policy, which, as is so often the case with radical or counter-intuitive policies, invariably ran into many hitches. Then, upon the success of the policy, there fell a dead silence as to Mr. Reagan's earlier role in it. Mr. Reagan liked to joke about how the word "Reaganomics" suddenly disappeared as the magnitude of the 1982-89 expansion became clear.

Mr. Reagan was full of jokes and stories, and never seemed to take anything said about him personally, but he was deadly serious about his goals. He loved to talk politics and issues almost all his adult life, but never sought office until he was 55. He steadily developed and forwarded his agenda, with many setbacks, until he was 69. Then he became the oldest man ever to take office as president, and (despite a fearful wound) served until he was nearly 78, as the most consistently effective president since Lincoln.

Still, Mr. Reagan the political leader has been underestimated even by many who recognize his achievements. They note his lack of interest in the details of policy, and the role of talented aides in forcing through a number of his programs. Yet how odd that Mr. Reagan's success continued through a succession of four White House chiefs of staff and six national security advisers who differed widely from each other in knowledge, style and policy.

Perhaps even more revealing is that in some of his most distinctive policies—tax rate reduction, abortion, SDI, the Reagan Doctrine, the Kuwaiti reflagging, the decision to address human-rights activists during the Moscow summit, to name a few—Mr. Reagan acted against the expressed opinions of nearly all his close advisers. Historians may conclude that Mr. Reagan's lack of interest in administrative details masked a laser-like ability to separate the important from the transitory, and to focus on the important.

#### THE WORLD HIS OYSTER

Perhaps the greatest irony of all is that the one area where virtually everybody thought him deficient—foreign policy—may prove to be his most lasting success. In a moment of bemusement a couple of years ago, the Washington Post remarked in an editorial that when Mr. Reagan ventured aboard, he found not just the nation but the world was his oyster.

His successes at home and abroad were intimately related. It was partly, of course, that domestic revitalization fed into renewed American assertiveness on the world scene. But it was also that, unlike nearly everyone else in U.S. politics in the 1980s, Mr. Reagan thought foreigners aspired to a fully democratic life just as much as Americans did. His Wilsonian-FDR global populism, the element of his ideology least shared by U.S. elites of both the right and left, is what ties together the "hawkish" Reagan of the first term and the "naive" Reagan of the second, and made the two work toward the same end: the globalization of democratic values.

Unfashionable, misunderstood or held in contempt by political elites of all stripes, never respected by the press, patronized privately by most of his own aides, Mr. Reagan soldiered on with his populist vision and unexpected moves, essentially alone at the top. For eight of the most pivotal years of world history, this was more than enough.

□ 2110

Mr. SOLOMON. I say to the gentleman from Minnesota [Mr. GUTKNECHT] I really want to thank you for those eloquent remarks.

You know, I only regret that Ronald Reagan could not be in office here today with this new Republican majority backed up by 40 or 50 conservative Democrats. Look what we have done in just 5 weeks, and think what we could do over the next several years if Ronald Reagan were still President.

You know, the first week we were here, I will say this to the gentleman from Minnesota [Mr. GUTKNECHT] because it came with his help, we began to shrink the size and power of the Federal Government and started it with the Congress.

The second week we were here we passed an accountability act which foists the same laws on the Congress that we foist on the American people. What a message that sent.

The third week we did the impossible, we passed the balanced budget amendment, something Ronald Reagan wanted so much.

And the fourth week we passed unfunded mandates, something that was impossible to pass before the new Republican majority took over.

And look what happened on Ronald Reagan's birthday yesterday, that line item veto. You know, if we had Ronald Reagan here, think what we could do for the next 2 years, welfare reform, product liability reform, capital gains tax reductions, tort reform. We could go on and on and on.

Since we are running out of time, Mr. Speaker, let me say in the epilog of Ronald Reagan's autobiography on American life, the President recalled his thoughts as he boarded the plane to California after George Bush's inauguration, and I have a picture of him saluting hanging on my wall with he and his wife Nancy boarding that helicopter. You know, he described a feeling of incompleteness, that there was still work to be done, a balanced budget amendment to the Constitution, and a line item veto for the President to cut out unnecessary spending.

Well, Mr. Speaker, this House passed a balanced budget amendment on January 26, and as I said before, the line item veto passed yesterday.

We have done President Reagan's unfinished business. We are just getting warmed up. Over the next several months and years we will finish the Reagan revolution of shrinking the size and the power of this Government and returning the power back to the States and local governments and letting the private sector run and work the way it should, you know.

Mr. Speaker and Members, I would like to close with a quote from Ronald Reagan's first inaugural address and suggest it apply to this 104th Congress as we continue the second Reagan revolution. I say to the gentleman from Minnesota [Mr. GUTKNECHT], here is the exact language, and you were not far off, he said, "We have every right to dream heroic dreams, to believe in ourselves and to believe in our capacity to perform great deeds, to believe that together, with God's help, we can and we will resolve the problems which now confront us."

And after all, why should we not believe that? Because we are Americans.

Mr. President, we wish you a very, very happy 84th anniversary, birthday. Thank you so much for what you have done for America. America will never forget you.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman from New York for organizing this special order to pay tribute to one of the 20th century's greatest world leader's former President Ronald Reagan.

Yesterday was President Reagan's 88th birthday and as we honor him, I want to express sincere thanks on behalf of myself and everyone in my congressional district for the visionary leadership that he gave to this Nation during the 8 years he was its Chief Executive.

I had been in Congress for 2 years when Ronald Reagan formally entered the American political scene by giving his thrilling televised speech in support of Barry Goldwater in 1964. His heartfelt statement of his conservative political beliefs made likeminded conservatives like myself look up and see a standard bearer whom we would be able to rally behind in the future.

I was already very familiar with his career as an actor and television spokesman, and I continued to follow his effortless switch to the public arena when he ran for governor of California in 1966. The astounding margin by which he upset an incumbent governor put everyone who watched on notice that a political force be reckoned with had arrived.

After his 8 successful years as governor of our most populous state, Ronald Reagan devoted all of his considerable energies to seeking the Nation's highest office. In 1980, during a dark time for our Nation, he waged a successful campaign to set the ship of state on the proper course again.

The Republican landslide that seized Washington in the wake of the Reagan victory created heady times for conservatives, and we waged many battles here on the floor of the House to bring about the changes that President Reagan spoke of in his revolutionary

campaign. And although the President's party did not then control this chamber, for a brief period of time, his ideas did.

During the President's first year of office, his leadership enabled us to set America on the course that would win the Cold War and turn loose the engine of economic freedom. The work that he did then made it possible for the new Republican majority here in the House to have the cohesive agenda for its first 100 days that is energizing this country.

Mr. Speaker, as President Reagan battles illness at his California home, it is altogether proper that we gather to honor him and his legacy in this way. I know that all of my constituents join me in sending our heartiest congratulations on his birthday, and to this great American, we wish Godspeed.

Mr. SHADEGG. Mr. Speaker, I am honored to be able to participate in this tribute to a great American—Ronald Reagan—and to his continuing legacy. Through my father's lifelong association with Senator Barry Goldwater, I first met then Governor Reagan in 1968 on my way to the Republican National Convention in Miami. He impressed me then and he impresses me today. There can be little doubt that it was his commitment to downsizing government, renewing federalism, restoring America's defenses and re-establishing our belief in ourselves that led to the tide that swept Republicans to victory on November 8 and put this House under the control of the Republican party for the first time in 40 years.

As we debate the Contract with America, whose central features are intended to bring fiscal discipline to Congress and the country, I am absolutely confident that the Reagan record will stand the test of time. Under the policies of Ronald Reagan, America experienced the longest period of peacetime expansion in our history. This expansion created 19 million new jobs and more than doubled the U.S. economy. Regardless of all attempts to rewrite the Reagan legacy, the central fact is that Ronald Reagan's policies benefited more people at every economic level than ever before.

Had Congress had the discipline to rein in domestic spending during the Reagan years, not only would we have defeated the Evil Empire, but we also would have avoided the serious deficits and mounting debt which now threaten our security.

Thanks to Ronald Reagan more of the world is free today than ever before and as a result, people who were once prisoners of tyranny and our enemies are now our trading partners. It was his vision for the Strategic Defense Initiative that is being pursued today to protect our troops on the battlefield; and it was his commitment to peace through strength that brought the cold war to an end.

Ronald Reagan reminded us daily and by example what it means to be an American. He is still reminding us today.

It is for all of these reasons and for all of the others that will be discussed in this tribute that the Goldwater Institute, a Phoenix-based public policy institute, will present to him their prestigious Goldwater Award. The award is presented to an individual whose efforts have significantly promoted the principles that Senator Goldwater championed throughout his career: Limited government, economic freedom and individual responsibility.

This year the award will be presented on April 21 and will be accepted by Former First

Lady Nancy Reagan. The award ceremony will be a true celebration of the movement for limited government. Barry Goldwater, the man largely responsible for launching the movement, will honor President Reagan, who brought the movement to victory. And, the keynote address will be given by our Speaker, NEWT GINGRICH, the man whose task it is now to carry this movement into the future.

Mr. WELLER. Mr. Speaker, I rise today to honor former President Ronald Reagan. I am proud to have this opportunity to speak about our 40th president who was born 84 years ago, in my home State of Illinois. At the age of 9 his family moved from Topica and settled in Dixon, IL where he played football and basketball, ran track, served as president of the student body, and first performed as an actor. Continuing his education in Illinois, Ronald Reagan graduated from Eureka College in 1932 with a degree in economics and sociology.

From humble beginnings, Ronald Wilson Reagan went on to become a sportscaster, actor, governor of California, and President of the United States.

Sworn in at the age of 69, Ronald Reagan was the oldest President ever elected. As one of America's most popular Presidents, Reagan presided over a period of great fiscal growth as he revitalized the American economy. Through his efforts, the American people enjoyed great prosperity, while he steered the country through the delicate times of the cold war.

Mr. Speaker, the state of Illinois is proud to have Ronald Wilson Reagan as a native Illinoian. It is for this reason and all of his great services to the United States of America, that efforts are being made by the Illinois Senate to have Interstate Route 57 designated as the Ronald Reagan Highway. Stretching from the great city of Chicago, through the fields of middle America, to the beautiful scenic land of southern Illinois the Interstate offers a view of both the Land of Lincoln and the birthplace and early home of Ronald Reagan.

I urge my former colleagues of the Illinois State House to pass the legislation honoring Ronald Reagan and name Interstate Highway 57 after him.

Mr. ALLARD. Mr. Speaker, I am pleased to join in this celebration of President Reagan's 84th birthday. Ronald Reagan's place in history is secure. With each passing year, his stature as a leader grows.

President Reagan's most important contribution was the leadership he provided during the West's long struggle with totalitarian communism. When he called the Soviet Union an evil empire media pundits scorned him. Today, we all know that he was right. But President Reagan provided far more than rhetoric in the struggle against communism. In 1980, America was dangerously weak and demoralized. President Reagan understood this and he directed the strengthening of all aspects of our military, coordinating our efforts with other members of the Western alliance.

Following the end of World War II, country after country fell to communism. All of Eastern Europe fell, much of Asia fell, and inroads were even made in Africa and Latin America. The Iron Curtain went up, and freedom was on the defensive. This all ended in 1981. From the point when Ronald Reagan entered the White House, no additional territory fell to the Communists. From that point forward the tide

began to turn. On all fronts, the Reagan administration backed the forces of freedom. Solidarity in Poland was helped, the Afghan freedom fighters were helped, Grenada was liberated, and democratic struggles throughout Latin America were supported. The Soviet Union was confronted by a Western alliance that had finally awoken to the dangers of appeasement. The alliance was greatly strengthened by the friendship and support of President Reagan's close friend and ally, British Prime Minister Margaret Thatcher. The west won the cold war, and Ronald Reagan deserves much of the credit.

President Reagan's second great triumph was his economic plan. We was the first modern President to directly challenge the notion that more government was good. In his view, Government does not solve problems, it subsidizes them. While this view is widely held today, it was ridiculed throughout the 1960's and 1970's. During those years, Reagan was nearly alone in his struggle against the endless growth of government. But he never altered his message. Unlike other politicians, he stood firm, and gradually the country moved his way. That is what made him a leader.

The Reagan program of lower taxes and less regulation was a tremendous success. In the early Reagan years all income taxes were cut across-the-board by 25 percent. The decade to follow witnessed the longest peacetime economic expansion in the history of our Nation. All income groups experienced significant income gains from 1980 to 1989. Twenty million new jobs were created, and the vast majority were high-paying professional, production, and technical jobs.

In the late 1970's inflation was as high as 18 percent, and interest rates rose to 21 percent. The Reagan economic program brought both of these down dramatically. The 1970's malaise brought on by high inflation, skyrocketing interest rates, high unemployment, and high taxes was replaced by an economy that fostered opportunity, growth, and optimism.

President Reagan rallied our Nation. He reminded each of us of our proud history and heritage. He was never afraid to proclaim his love for America. Most important, he stood up for what he believed. He knew the importance of strength and resolve. The result was the most successful Presidency in decades. As Reagan himself reminded us:

History comes and goes, but principles endure and inspire future generations to defend liberty, not as a gift from government, but a blessing from our creator.

Happy birthday Mr. President.

Mr. SOUDER. Mr. Speaker, I rise to pay tribute to the 40th President of the United States, Ronald Reagan. Many have called our new freshman class the children of the Reagan revolution or the real Reagan revolution.

Ideologically, this is true. We are committed to the principles upon which Ronald Reagan was the chief spokesman: reduce the size of Government, cut taxes, rebuild not undermine our Nation's strong moral and family base, and stand for a strong America. In my case, it goes beyond the generalization. In 1964, just after my 15th birthday, I heard Ronald Reagan's famous speech for Barry Goldwater for President. Like many others, I was moved to action.

First, I took \$5 of my hard-earned "pop-bottle sorting" money I earned at our family's general store and sent it to Goldwater. Second, I was activated and never looked back. After Goldwater's shocking defeat—he did pretty well in my hometown of Grabbill—I organized a Young Americans for Freedom chapter at Leo High School, one of the Nation's first high school YAF chapters.

At our 1968 Leo High School commencement, as senior class president, I was asked to speak. In my draft remarks was a quote from then Governor of California Ronald Reagan, with the comment, "who will someday make a great President of the United States." Our faculty advisor, Mrs. Mumma, said to delete it or I couldn't speak. It was deleted off my cards, but I ad-libbed it anyway, being a somewhat independent person.

At the 1971 YAF national convention, I was part of a group of conservatives pushing Reagan to run in 1972. In 1976, I helped in his surprise victory in the Indiana Presidential primary for President. President Gerald Ford was respected in Indiana, as our neighbor from Michigan, but our hearts were with Reagan. A friend of mine, who had also been a Reagan backer since 1968, won the 4th Congressional District Republican primary in that same election. That Reagan fan went on to upset an incumbent member of Congress in the fall. I now hold my friend, and fellow Reaganite, Dan Quayle's old congressional seat.

In 1980, Dan Quayle went on to defeat an incumbent U.S. Senator and another friend of Reagan won the 4th District Congressional seat. After Quayle was elected Vice-President, our friend DAN COATS moved up to the U.S. Senate.

This is the Indiana version of the Reagan revolution. To those who thought the Reagan revolution was over, prepare yourselves. Dan Quayle is obviously still an important player and DAN COATS is in the Senate, and I am joined in the Indiana House delegation by my distinguished freshman colleague DAVE MCINTOSH, who worked in the Reagan administration.

After a short break, we are back. The legacy of Ronald Reagan will live on, led by the first State for Reagan—Indiana.

Mrs. FOWLER. Mr. Speaker, I rise today to pay tribute to former President Ronald Reagan, who celebrated his 84th birthday yesterday.

President Reagan has always loomed larger-than-life on the political landscape of this Nation, and though he has retired from the spotlight, his many contributions to our Nation are still being felt today. His enlightened world-view and his commitment to our national security ultimately resulted in the end of the cold war and the spread of democracy around the world.

And the conservative ideals upon which he based the Reagan revolution are experiencing a renaissance, as both citizens and lawmakers realize that the big-government, bureaucratic approach to problem-solving is not working.

I know that this must be a bittersweet birthday for President Reagan, as he faces what is perhaps his greatest challenge. However, I am also sure that he derives a great deal of comfort from knowing that he has his devoted wife at his side, that he is remembered in the prayers of a grateful Nation, and that, once again,

on the horizon of this great Nation, there is a glimmer of morning in America.

Happy birthday, Mr. President, and thank you.

Mr. CRANE. Mr. Speaker, Ronald Reagan's Presidency brought a fresh breath of renewed freedom to this country shackled by regulation, inflation, high interest rates, and higher taxes at the time of his first inauguration.

It was the policies of Ronald Reagan which brought about the greatest national upset of the century—the collapse of the Soviet Union. Ronald Reagan toppled the reign of an evil empire which its own citizens sought but who were helpless to free themselves from—the dictatorship which Lenin and Stalin had set upon them.

He kept his faith in America.

Ronald Reagan gave this country its biggest tax cut in the first year of his presidency. The Reagan cut stimulated the dynamic growth of the decade that followed, an explosion which created 20 million jobs.

Ronald Reagan adhered faithfully to traditional American family values. He was adamant against abortion.

It was Ronald Reagan who touched off the debate on free trade. His leadership in this area brought about our first free-trade agreement with Canada. The NAFTA pact followed.

I personally have been a Ronald Reagan supporter for over a quarter of a century. I battled in vain to gain him the Republican nomination for President in 1968 in Miami Beach, and in 1976 in Kansas City. When I withdrew from the presidential campaign in 1980, I threw all my support behind him.

Ronald Reagan—a native of my own home State of Illinois—was ever the optimist who recognized that the United States still represents the world's best hope.

Mr. FUNDERBURK. Mr. Speaker, I join with my colleagues in sending grateful happy birthday wishes to President Ronald Reagan.

Mr. Speaker, there are a few figures in each century who transcend their times. Americans point to Washington and Jefferson, Britons to Winston Churchill. As we celebrate his eighty-fourth birthday, it is past time to add the name of Ronald Reagan to liberty's pantheon.

It is hard to remember what it was like before Ronald Reagan came to Washington. The 1970's were a decade of disillusionment. Communism was on the march. Democratic government and the rule of law were in retreat. We were even questioning our purpose as Americans.

Yet, there came a great wind of change in 1980 which left America and the globe transformed beyond all recognition. Ronald Reagan led the way. Like Churchill before him, he gave free people the voice they thought they had lost. His ideas produced an economic dynamism Americans had not seen for decades. He exuded confidence in the American spirit. He harbored no inhibitions about the use of American power and he stood guard as the iron curtain crumbled before our eyes.

Mr. Speaker, Ronald Reagan mirrored the thoughts, desires, and faith of ordinary Americans. He recognized as they did, that America is "the bright shining city on the hill." Happy birthday, Mr. President. May you have many more.

Mr. PACKARD. Mr. Speaker, today we celebrate President Ronald Reagan's birthday. During his administration, President Reagan rekindled our Founding Fathers' guiding prin-

ciples of limited government. In his inaugural speech President Reagan reminded Americans that "we are a nation that has a government—not the other way around."

I began my congressional service under his administration. I came here sharing Reagan's vision of American renewal. Today, his insight continues to drive the work of the 104th Congress as we press for less spending, less taxes, and less regulation. His philosophy echoes in the mandate Americans sent Congress in November. His values provided the underpinnings for the Republican Contract With America.

Under decades of liberal leadership, the Congress forced the American people to carry the weight of a bloated, wasteful government. Under Reagan's leadership the American people found relief from the liberal tax-and-spend machine and a sense of national renewal.

During the 97th Congress, President Reagan initiated the line-item veto by choosing to hold the line on wasteful spending. He sent House Joint Resolution 357—the continuing resolution providing appropriations for fiscal year 1982—back to Congress. He courageously tried to protect the American taxpayer from unnecessary spending. Unfortunately, Mr. Speaker, the budget-busting liberal Congress chose to ignore his warnings and continued to produce wasteful, bloated budgets year after year.

The Republican-controlled 104th Congress has the opportunity to roll back the big spenders in Congress. President Reagan showed us the way. Now we must take the lead and pass the line-item veto.

Mr. Speaker, it is an honor to recognize President Reagan for his political and personal achievements. His freedom agenda, our Republican Contract With America, is alive within the walls of Congress. Happy birthday, President Reagan.

#### NATIONAL SECURITY CONCERNS

The SPEAKER pro tempore. (Mr. HANSEN). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I want to talk about something that was important to Ronald Reagan and important to the American people and at the heart, I think, of our success as a Nation during the 1980's and very much at the heart of whether or not we will be successful in the 1990's, and that is national security.

Today the President unveiled his defense budget and, Mr. Speaker, to be charitable, it is a budget that slashes national defense.

To give you some idea of the magnitude of the cuts that have been made by the Clinton administration, it is important to understand that in 1990, President Bush, then President Bush, got together with the Democrat leadership of this House, and he established a defense line below which we would not cut, and Democrats and Republicans agreed that that was an important line to keep, an important mark to keep if we were to maintain America's interest and maintain the security of our people. Now, after the fall of the Berlin

Wall and the commencement of the breakup of the Soviet Union and in light of that, in 1992, President Bush got together with his Secretary of Defense, Dick Cheney, his then Chairman of the Joint Chiefs of Staff, Colin Powell, and they put together an other defense budget, and because of the breakdown of the Soviet empire, they decided that they could prudently cut \$50 billion over 5 years below the agreement that the President had made with the Democrat leadership in 1990, and they started to engage in those cuts, \$50 billion.

Well, when President Clinton was elected, he put together a 5-year defense plan cut \$127 billion below even the Bush cuts of \$50 billion. That means about \$177 billion below the agreement that had been made in 1990.

I want to talk tonight a little bit about what this installment, this year's installment of the Clinton defense cuts will mean to the armed services of the United States and to the security of the American people.

You know, last year the President's people projected what this year's defense budget should be. And what is very interesting, and I heard Secretary Perry give a very well-ordered speech yesterday in description of the defense budget, but it was interesting to see that Secretary Perry and President Clinton have cut \$9 billion in new weapons systems, new equipment systems, out of the budget that last year they felt were important systems. And it is also interesting to see that President Clinton understood last year that he was about \$6 billion short with respect to this year's defense budget. He knew he would have to get the money somewhere.

And yet he only added \$2 billion to this year's defense spending, meaning he knew that he was going to be going in the hole about \$4 billion.

Well, Secretary Perry says, and I am paraphrasing his theme, he says that our country will be ready to fight even with these reduced forces. Let me tell you how low our force structure is going to be under the Clinton defense plan.

We are going to go from about 18 active army divisions to 10, almost cut 50 percent in our army divisions. We are going to cut from about 24 fighter air wing equivalents to about 13, and we are almost there. That means we will have to cut from America's air power almost 50 percent.

That means we are cashiering young people at a rate in excess of 1,500 young people a week out of the military, and I am reminded of what George Marshall said at the conclusion of World War II when we were demobilizing at such a radical pace, and when he was asked how the demobilization was going, he said, "This isn't a demobilization, it is a rout," and I would assert that we are undertaking right now is not a demobilization, it is not a drawdown, it is not a prudent reduction, it is a rout.

Now, I want to concentrate right now just on what the President is cutting this year; that last year he said he needed. First, the first item on this list is called the TSSAM, TriService Stand-off Attack Missile, and very simply, for those folks that watch CNN and watched our aircraft in Desert Storm approach various strategic institutions of Iraq like bridges and roads, command bunkers, and for those people that watched those precision-guided munitions leave an aircraft some distance from the target and be guided in by a laser spotter or other means, they watched those munitions guided in and hit those targets precisely. I think we all remember when CNN showed the depiction of Iraq's luckiest taxicab driver. He was a guy that got about all the way across that bridge, just barely got across the bridge before a precise munition hit that bridge and destroyed it.

Very simply, in these days when the other side, the bad guys, have some missile systems that are very accurate, that is surface-to-air missiles, that can kill your planes, knock down your planes and kill your pilots, you need to have standoff missiles. Those are systems you can launch from many miles away. You can turn the airplane back. You can get the airplane safe, and your missile will follow on. It will hit that bridge. It will hit that anti-aircraft position. It will hit that command bunker with precision. We need precision-guided systems.

Now, the interesting thing is that after he canceled this new precision-guided system that we desperately need, the President also canceled some other classes.

□ 2120

He canceled the air-launched cruise missile, which is a very accurate system and which could have filled in for the standoff missile that he was canceling. So, he canceled the air-launched cruise missile also. We were going to purchase between 75 and 100 air-launched cruise missiles, and the President canceled that system.

Now, with respect to Cobra helicopters, the Cobra is a gun ship. It is one of—in light of the fact that we have not developed a new helicopter lately, we have not moved forth on the Apache program. It is an important helicopter for our ground troops and works in close support with our Army and with our Marine troops in ground assaults. The President canceled nine of those.

With respect to the Comanche helicopter, which is a new scout, armed scout, helicopter that the Army says is very important to their mission and that the President's own review, the so-called Bottom-Up Review, said was important to the Army's mission, the President has entered an order of no production. We are going to be building a couple of prototypes, but we are not producing as of now.

With respect to the DDG-51 Aegis destroyer, we are coming down from a Naval fleet that was close to 600 ships,

between 500 and 600 ships, and we are coming down to less than 375 ships, and the DDG-51 Aegis destroyer is a very important ship because each one of these ships carries what I call a little SDI system. It is a system that allows radar to track a missile that is coming in, or an aircraft that is coming in, and shoot out a standard missile, one of our surface-to-air missiles, ship-to-air missiles, and destroy that incoming missile, and this ship has a potential of being developed as a theater ballistic missile defense system.

Now what that means is, for those of us that watched those Scud missiles, which are ballistic missiles, zeroing in on our troop concentrations in Desert Storm, Aegis destroyers off the coast of Iraq, had he had this new theater missile ballistic missile system developed at that time, it could have shot down those missiles in mid-air, much as your Patriot missile systems did with varying results on the ground. So, this is a system—this new ship maintains an air defense system, which could blossom into a theater ballistic missile defense system that will protect American kids, our men and women in uniform who are concentrated in various areas of the world.

So, it is a very important system. The President is canceling this new production, this production of a single new ship, in this year's budget.

He is also canceling this LPD-17 amphibious transport dock. Now that, according to the bottom-up review, is an important part of our ability to take a beachhead, and the President is going to cancel that.

F/A-18 C/D's; those are our new fighter slash attack aircraft that are based on our carriers which are supposed to take over the roles of two aircraft, our F-14's and our A-6 attack aircraft. Now the interesting thing is we actually purchased about 27 fighter aircraft last year in the entire American inventory. That means that the United States of America bought fewer fighter aircraft than the country of Switzerland.

Now, just to keep our fleet modern, because we lose a few aircraft all the time, our aircraft are always exercising, they are always training, they are often on deployment. Just to keep the fleet modernized so we do not end up with a bunch of 1965 Chevy aircraft, we have to buy about six times that number of aircraft each year just to keep our fleet modern so the young men and women who are flying those aircraft have a good chance of coming back alive.

The President this year is going to buy 12 aircraft. That is less than half of what Switzerland purchased last year.

Now with respect to E-2C's, those are the AWACS aircraft that our Navy uses, and those aircraft can detect adversary aircraft. That means that, if we have a ship or a battle group that is off the gulf in the Middle East, and we have aircraft, adversary aircraft, that are launched by Iraq or Iran, and E-2C aircraft is your early warner. That is

the aircraft that has a guidant pod on top of it, a radar system, and it can tell you what is coming in, and when you scramble your own aircraft to meet that threat, it helps direct them in for the kill. We are canceling one of those this year.

The Tomahawk missiles I already mentioned; we are canceling 97 of those. Tomahawks are tried and true missile systems, and I cannot give you the absolute number of standoff weapons because that is a classified number, but I can tell you that we are short on standoff weapons. We could expand in a real conflict like a Desert Storm conflict all of our standoff weapons in a fairly short period of time, and it makes no sense, even if you are downsizing people and you are cutting the number of ships and the number of aircraft you have, it makes no sense to cancel your standoff weapon systems and cut down those numbers. Those are bullets in your gun, and just because we have enough troops and have enough bullets right now to go out and engage in a very fast firefight, you also have to have sustainability. That means the ability to fight for days, for weeks, and sometimes for months, and that means you have to have a big enough stockpile of ammunition and missiles to do that job.

And finally we have the Trident II D-5 missiles. That is considered to be very important part of the remaining part of our nuclear deterrent. Those are nuclear missiles, strategic missiles that are mounted on our submarines, and while we are cutting out almost all of our land-based missiles, we are alshing our bomber force, we are relying more and more on our submarines, and yet the President is cancelling this most modern program in our strategic submarine-launched ballistic missiles.

So this President interestingly is not just cutting \$127 billion below what George Bush thought was prudent. He is cancelling his own systems. He is cancelling systems that he said last year we would need and that his own experts said we would need, and I see the gentleman from Georgia [Mr. KINGSTON] has risen. I yield to my friend.

Mr. KINGSTON. Mr. Speaker, I say to the gentleman, "Thank you, Mr. HUNTER. I wanted to make sure I got this straight. You were saying earlier that what the President or the administration had said is that we can fight a battle on two fronts, a war on two fronts, and, listening to you, I'm not so convinced that is true. How would you respond to that?"

Mr. HUNTER. Well, actually I think it would be very, very difficult for the United States to be engaged in two wars the magnitude of Desert Storm and win, and secondly, even if we won, it would be very difficult to win without taking enormous casualties. Secretary of Defense Dick Cheney said, as I recall, some months into the Clinton cutbacks that it would be very, very

difficult to win a single Desert Storm again in the manner that we won it the first time, and there are two aspects to fighting this regional conflict.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, let me ask him about Desert Storm.

Now that was what, a 43-42 day war?

Mr. HUNTER. It was a very short war because the United States has overwhelming force, and that was the point that I am getting to, that you reap a couple of benefits from having a vastly superior force. One is that you close the war down quickly by winning with overwhelming force, but the second is you do not bring a lot of young Americans back in body bags, and it was projected that we could have lost 40,000 people in Desert Storm, but because we were so successful in building enough weapon systems in the 1980s, like the M-1 tank, the Apache helicopter, the Patriot missile system, we were able to win quickly, and that saved thousands of Americans' lives.

Mr. KINGSTON. Now that being the case, as I recall, and I used to know the number, but the American casualties were just incredibly low for a conflict of that scale. Does the gentleman remember the numbers offhand?

Mr. HUNTER. I do not have the exact figure on the number of American casualties, but I believe the number of American KIA, killed in action, was less than 200, and interestingly almost a majority of those, or a majority of those casualties, came from the Scud attacks, just a few ballistic missile attacks which were made by Saddam Hussein, and that brings out the question as to why this President is cutting back on our antiballistic missile capability because we saw with just a few launches Saddam Hussein was not only able to show the world that he had offensive capability against the United States, but he was able to bring about our largest number of casualties when his Scud missiles hit the American barracks.

□ 2130

So this President has cut back on theater ballistic missile defense systems, and that means our ability to stop an incoming missile that is launched by an enemy that is coming into our troop concentrations. Our old Patriot system was kind of a model T. It was kind of a model T Ford, and the incoming ballistic missile, the SCUD system, sold to Iraq by the Soviet Union, was kind of a model T also. They were both fairly slow moving in terms of modern warfare. But by golly, we shot down those missiles, a number of them in midair, and saved a lot of our troops. We had varying success, but at least we had something to shoot some of those missiles out of the air.

This President ought to be accelerating the program. Let me tell the gentleman, you have the theater high-altitude defense program, this great Navy program where we already have the radars on the ships. We have to train them to be a little different. You have

the missile tubes for the standard missiles. We need a little modification, and we can turn that system on the Aegis ships, which the President is cutting, we could turn those into theater defensive systems.

So if we have a marine America amphibious force on the land in the Persian Gulf, say they just made a beachhead and are there with their tents and operations and artillery and are setting up, and SCUD missiles start coming in, our Aegis ships can back off of the land a little bit and throw up a protective umbrella around those marines with their antiballistic missile defense systems, they can shoot down incoming ballistic missiles that come in to threaten those marines.

That program is called the Navy upper-tier program, the high end of this Navy program, which has a Navy lower tier that is kind of like the Patriot missile defense system, but the Navy upper-tier program that can shoot down the fast-moving incoming ballistic missiles, has been cut down to \$30 million by the President. That may seem like a lot of money, but that allows us to basically terminate the program. It gives you just enough money to terminate the program, pay all the contractors you owe money to.

Mr. KINGSTON. You were saying earlier that the number of divisions in the U.S. Army is being scaled back from 18 to about 10. What is happening in the Marines, particularly as respects this program? Because if you do not have the manpower, you do not have the technology. I know that we have got shuttle diplomacy, and I do not know that this administration has really anything to brag about on shuttle diplomacy. I think the Carter administration sure does, it has resurrected itself quite well.

Mr. HUNTER. I would say, to be fair to the President and the Secretary of Defense, Mr. Bill Perry, the Marine Corps forces have not been reduced, they have only been reduced by a few tens of thousands. They have not been reduced as drastically as the Army has been reduced and as the Air Force has been reduced. I think that that makes a lot of sense. So that is one area where this administration has not reduced drastically.

But one thing that this President has done with respect to the marines is run them ragged. And my information is that the marines who came out of the Bosnian theater, who had to come back after 6 months, were given about 12 days of time with their families, and then they went right back into the Haitian theater. That is called stretching people thin. And that is one reason the Commandant of the Corps said at one time he only wanted single people to apply to the Marine Corps, and that is because there are not a lot of wives, except maybe some congressional wives, who will put up with these husbands being gone for such long periods of time.

Mr. KINGSTON. I am going to have to grab a little time here to say it is

also true with the Rangers. Fort Stewart is in the district I represent, the 24th Infantry Division, and my district manager's husband is a Ranger and another employee's husband is a Ranger, and they are gone all the time. And they are first class people, just top-notch.

Mr. HUNTER. In fact, the gentleman has opened up another area that I think is very important, and that is that we have utilized our Armed Forces, the remaining Armed Forces that we have, as world policemen. And these peacekeeping operations in Haiti, in the Bosnian theater, I think we have carried on now the Bosnian airlift longer than we carried on the Berlin airlift. In Africa and around the world, we are using our military forces, but not so much in sending them out with a military mission to win a war or battle and come back, but as peacekeepers. I think when the final bill is in, we will have spent about \$1.7 billion until Haiti just on that peacekeeping operation.

What that does to the gentleman's Rangers is it stretches them thin. It keeps your Rangers from spending as much time as they should at home. It also uses up the money that they have for training and for equipment repair and for spare parts and all the things that amount to readiness, it uses that money up. And let me tell you what Secretary Perry has said, to go through this analysis he has been giving for the past several days.

He has been saying, you know, we are not going to sacrifice readiness. He was a little embarrassed by the three Army divisions last year to be found to be in less than a complete state of readiness. He said it is true money used for peacekeeping missions comes out of the hide of the military. That means you do not get to train your top gun pilots, go out to the rifle range as much, get those spare parts, so you become less ready because you are using all your money to go off on peacekeeping operations.

He said we are going to see to it we do not use up our readiness money this year. What he did not tell you is this: What he did not tell you was he was not going to add that much money, because we are only adding \$2 billion this year, and we have a \$6 billion shortfall by the President's own estimate of what we would need, the estimate he made last year. So we are still \$4 billion short.

What Secretary Perry did not tell you is he was going to cancel all these modern weapons and equipment programs to pay for this year's readiness. So what he has been doing, in the old axiom, is robbing Peter to pay Paul. So the problem is we are going to have less modern equipment for these young men and women when they need it.

Mr. KINGSTON. Now, we are also about to consider an emergency budget for the military of about \$3.4 billion. Of that, one-half of it is going to come from cutting existing programs. But then the other half of it has already

been spent in Somalia, in Bosnia, in Rwanda, in Haiti, and actually going back to Iraq as well.

One of the things that concerns me as we do some of this globe trotting and getting back to the Rangers and the Marines and so forth is that when we were in Somalia there was not a clear American peril, there was not a clear objective and there was not a clear mission, there was not a clear timeframe to achieve the mission nor a plan to get our personnel out. And if you are a service person going over there, then it is going to have to be a little bit discouraging. Even as loyal as I know that they are, it is very discouraging to realize they are doing these missions, and there is not a statement, there is not an objective.

So I think in terms of the dollar, it is one thing. But the morale is another.

Mr. HUNTER. The gentleman is absolutely right. You know, when young men and women join our service, they do it under an understanding there is some risk involved, and they do it with an understanding their mission will be to engage in conflicts on this Nation's behalf, and win those conflicts. And I think a lot of them do not want to sign up to be peacekeepers, to spend their time away from their families nursemaiding folks in other countries.

While Americans do not mind sacrifice, and I think that is the key, and I remember Desert Storm and I am sure the gentleman has not only a lot of active duty people but reserve people who volunteered for Desert Storm because they thought it was worthwhile, I think a lot of those people have second thoughts when they are told that the mission is "peacekeeping." In some cases that means "nation building," trying to impose our structure of government on a country that is very resistive to that imposition.

I think that Americans, American troops, have experienced a cut in morale because of this new mission that they see this President giving them.

□ 2140

And I think what bothers them most is he is not giving them everything that they need to carry out this tempo of operations. They know that that is making them a little less ready to have to carry out those operations.

Mr. KINGSTON. Well, I wanted you to talk about the personnel and so forth in the Army and the Marines staying about level, but the Army going down tremendously.

As I understand it, and these numbers are rough, but there were about 2 million troops in the armed services in 1991. And now is that number not about 1.5 million? It has been cut roughly 25 percent in terms of personnel, which that may be appropriate since there is not a conflict going on like Desert Storm, but am I accurate in that?

Mr. HUNTER. Let me give the gentleman the numbers that come right from the Personnel Subcommittee chairman, the gentleman from Califor-

nia, ROBERT DORNAN, who issued this statement today of active duty end strength. It has gone from, the gentleman is right, from an excess of 2 million personnel to about 1,400,000. So it has been cut not quite in half but not too far away.

Now, let me just read what the gentleman from California [Mr. DORNAN] has said: "End strength reductions for this year are slightly accelerated over what DOD projected in last year's budget submission. DOD will end fiscal year 1995 about 2,300 below the end strength authorized by the fiscal year 1995 DOD Authorization Act."

That means that this glidepath that the President has us on that is going to end up going from 18 Army divisions to 10, from 24 air wings to 13, that we are on that glidepath, we are cutting sharply, but this year's reductions cut even more sharply, 2,300 personnel, more sharply than what we have projected last year. It says that the fiscal year 1996 DOD request projects an end strength loss of 40,790 from fiscal year authorized levels, so that is how fast we are going down. We are going to have 40,000 less people this year than we had last year.

That means that we are losing people at a very high rate, at about 1,700 young people a week are being cashiered out of the uniformed service.

Mr. KINGSTON. In terms of dollars, we had a budget in 1991 of just shy of \$300 billion. And now this projection, and I do not know if you or the gentleman from California, Mr. DORNAN, had a number, but is it 260?

Mr. HUNTER. It is this year, I would say to my friend, we are going to spend about \$257 billion. The President's people made a great thing about the fact that he was adding \$2 billion to his glidepath. So it was 255. It is going to 257. And the gentleman is right. That is down almost \$40 billion from what it was in 1991.

But let me put it another way: If you look at what we spent in 1988, the last year of the Reagan administration, and really we had the highest spending level in 1985, but if you look at what we spent in 1988, in real dollars, that means not adding inflation or adding inflation each year, in real dollars, and you compare that to what we will spend in 1998, that is 2 years from now on this glidepath that President Clinton has taken us on, the annual budget in 1998 will be \$100 billion less than it was 10 years ago. That is the annual budget.

So when President Clinton stands up and talks about how he is taking a knife to all these programs across the board, you have to understand that actually almost all of his cuts, real cuts are coming out of national defense.

Mr. KINGSTON. It is ironic because you hear so often about cutting the budget and you hear about the Pentagon waste. You hear all about agriculture waste. And yet the two agencies that have had the biggest budget cuts of all are the Department of De-

fense and the U.S. Department of Agriculture. And if we can get HUD and Health and Human Services and Education and some of these other agencies to take the cuts just in percentage that defense has taken, we would be very close to having a small deficit compared to the \$200 billion deficit which the President's budget projects for this year.

Mr. HUNTER. The gentleman from Georgia is absolutely right. We have, as I recall in this city, in Washington, DC, we have what I guess military would call headquarters personnel, because all of the agencies do not carry out functions in this city but they have their headquarters people here who issue orders and demand reports that come in from all over the Nation. So we have all these agencies like Agriculture and all the rest of them, HUD and many others, headquartered here in Washington. So I guess our line troops would refer to these as headquartersstaff, and we have over 450,000 headquarters personnel in the social agencies right here in Washington, DC.

Mr. KINGSTON. It is interesting, everybody does like to jump on the Pentagon, wasteful spending and talk about the \$400 toilet seat and \$200 hammer and so forth. We want to know about these things. We want to ferret it out. We think that is what the mission is about, defense of the country, survival of the country, and protecting your son or your daughter who may need to have the most high-technology airplane or tank or ship or whatever.

Here is something that we spent, as taxpayers, your taxpayers in California and mine in Georgia, \$30,000 on this poem. I am going to read this to you.

Suddenly, masked hombres seized Petunia pig and made her into a sort of dense Jello. Somehow the texture, out of nowhere, produces a species of Atavistic anomie, a melancholy memory of good food.

It was written by Jack Collom of Boulder, CO. The National Endowment for the Arts awarded \$30,000 for that poem.

And yet we are telling our American service personnel that they cannot get a raise. We are rolling the COLA's of veterans so that they cannot get what we contractually obligated to them.

I have met in Hinesville, GA, service personnel who can qualify for food stamps and other public assistance benefits. Some of them are taking them, some are not. But it is very hard to tell somebody who is on his way to Haiti, Somalia, Bosnia, wherever, we have got \$30,000 for poems like this and your tax dollars are paying for it. I think one of the things that we are about in this Congress right now is to go back and try to find things like this so that we can spend our dollars smarter, cut where we need to. But where we are going to spend, let us spend it appropriately.

Mr. HUNTER. I think the description of the expenditures that were made by the National Endowment for the Arts

are one thing that would lower the morale of our service people if they knew that that was keeping them from having a higher quality of life. Let me just say, this Secretary, Secretary Perry, gave a very even and I thought a very smooth press conference. I like Secretary Perry. I think he is a fine gentleman.

He gave, he has given a series of briefings about the defense budget and said we are ready, our readiness levels are good and I am good to spend, he said, and I am quoting him, "I am going to spend enough money to provide for quality of life for our armed services families."

What the Secretary did not say was that he is providing this new quality of life because Republicans have rolled the administration in past years. Last year, when President Clinton did not provide a pay increase for military families, the Republicans saw to it that he did. So this year the President is anticipating that and they are going to provide a pay increase for military personnel. But they are going to do that by taking out these very important modernization programs which could save the lives of those young people in battle. So they are serving them in one way, they are disserving them in another way.

But let me tell the gentleman that the cavalry is here. The Republican Contract With America, which was successfully passed out of the Committee on Armed Services with a good bipartisan vote, and I might compliment the Democrats on that committee who really have the interest of the country at heart, because we passed it with the vote of a lot of Democrats as well as Republicans, but that H.R. 7, the National Security Act, that legislation provides for something that is very critical to the United States.

It says that the United States shall deploy at earliest opportunity theater missile defense systems to stop those ballistic missiles from coming into our troop concentrations where they exist around the world. It also says that we shall deploy missile defense systems against ICBM's that may come in and strike portions of the United States.

□ 2150

Now we are doing this because we have listened to all of our intelligence agencies, we listened to CIA director James Woolsey, who talked about the growing ICBM threat and missile threat. We live in an age of missiles.

One thing that was not lost on all these Third World countries, including countries like Korea and China, was that with all of our superior military capability in Desert Storm, the one place where Saddam Hussein was able to get the attention of the world and make an impression was when he used ballistic missiles against American troop concentrations.

So you have the North Koreans building the taepo-dong missiles, some of which, at the end of this century, will

begin to acquire the capability to go several thousand miles and to hit American troop concentrations a long ways from Korea, and ultimately hit some of the United States positions in the Pacific, that will be able to threaten our allies.

We see North Korea doing that. We see engineers and scientists from the Soviet union being hired by Middle East countries to develop missile systems for them. We see China moving ahead with ballistic missile systems.

We have to develop the ability to stop those ballistic missiles. It makes sense—a lot of Democrats say "We will stop them in the theater, but we do not want to have a national ballistic missile system."

We passed out of the Committee on Armed Services, or now the Committee on National Security, H.R. 7, the Republican Contract with America, that said "We shall deploy a national defense system." That means if a missile is launched intentionally or by mistake at the United States, we want the ability to shoot it down before it hits New York or San Diego or Houston or Detroit or any other part of the United States of America.

And we are going to be building that missile defense system, even though this President this year has cut national missile defense funding by 80 percent in this budget.

I yield to the gentleman from South Carolina.

Mr. KINGSTON. Mr. Speaker, I guess it is just true that as long as there are people like the gentleman, and some of the others you have mentioned tonight and in the past in your speeches, I think there will always be somebody inside and underneath the dome who is looking out for the American service personnel and the security of our Nation.

I appreciate the gentleman's leadership on this. I appreciate being with you tonight. I know you have some other comments, but I'm going to yield the floor and wish you the best and plan to support you in these endeavors, and work with you.

Mr. HUNTER. Mr. KINGSTON, I want to thank you as a good friend and a person who really has the interest of the United States at heart. Even though you are doing a lot of other important things and you are not a member of the Committee on Armed Services, we all thank you for your interest in national security, because that is one of the primary reasons for our existence, this House of Representatives, and you serve your people well by exhibiting that interest and supporting a strong national defense. Thank you for being with us.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman.

Mr. HUNTER. Let me talk for just another minute or two about the missile defense programs, because Secretary Perry went over that the other day and he has a word that he likes to use. It is called robust.

Robust is a pretty subjective term, and something that is robust to one person may not be robust to another, so I want to talk about the real funding levels that President Clinton put out on the table in today's budget, this year's new budget, with respect to missile defense. We all know missile defense is important, both theater missile defense, that is when you shoot down the slow-moving missiles before they come into your troop concentrations, like the Scud missiles coming into our barracks in the Middle East during the Desert Storm, and you also want national missile defense that will shoot down fast-moving missiles that are coming into your cities, whether by accident or by design.

Mr. Speaker, the President's request for missile defense in this year was \$2.9 billion. That sounds like a lot, and that has been described by Secretary Perry as robust, and I guess compared to the rest of the President's defense slashes that may be robust, but this is the lowest amount requested since fiscal year 1985, which was the very first year that we started the SDI program, that is, the missile defense program.

Mr. Speaker, regarding national missile defense, the President asked for around \$500 million. That is \$371 million for the ballistic missile defense office and \$120 million for the Brilliant Eyes program in the Air Force, about \$500 million.

That amounts to about an 80 percent cut over what President Bush recommended in spending on missile defense, because President Bush recommended spending about \$3 billion, so President Clinton has cut this program by four-fifths, even though his intelligence agencies tell him we live in an age of missiles.

You had better be able to shoot missiles down, not only coming into your theaters, but coming in by accidental or designed launch by Third World adversaries into your population centers. At some point these nations are going to have the capability of delivering ICBM's into the United States, and several adversaries besides the remnants of the former Soviet Union have some ICBS's right now. China, for example, has ICBM's right now. North Korea is working at a feverish pace to develop ICBM's.

Mr. Speaker, a lot of people say wait a minute, we don't have to have these theater defenses or these national defenses yet, because Korea doesn't yet have a missile that can reach the United States.

The point is, it takes us a while to build these defenses. You want to make sure that the missile system you are going to send up to shoot down the incoming ballistic missile is ready for deployment before the ballistic missile that is going to come into the United States is ready for deployment. The point is, it takes us about 10 years to build these systems, so it does not make sense to not get started.

President Bush wanted to get started on a national defense system, and he recommended spending this year \$3 billion. President Clinton has cut that by four-fifths, by 80 percent. Those are real facts.

Mr. Speaker, regarding theater missile defense, this President requests approximately \$2 billion. That represents a cut of \$800 million from the spending level that was recommended by President Bush.

Again, he recommends only \$30 million for what is known as the Navy Upper Tier Program. That is this very effective, high altitude program that can be used to defend Americans by using Navy ships with their standard missile tubes and with their existing radar. You turn that into an SDI system, and you shoot down incoming ballistic missiles. That is a very promising system.

When the President did his own bottom-up review, his experts, his reviewers, said "We should move toward this Navy Upper Tier Program. It is an important program for acquisition." They called it at one point a core program, an important program, and he has killed it, because the \$30 million that he has allowed for the Navy theater missile defense system is only about enough money to close up the shop. It is about enough money to close the doors, pay off the contractors who have existing contracts, and forget that system.

Why is the President abandoning the defense of our troop concentrations around the world? Because that is exactly what you are doing when you give up one of your most promising technologies.

Mr. Speaker, one other thing the President is doing that is very disturbing is this. Right now the ABM treaty does not limit the production of American theater missile defense systems. Yet, his negotiating team is now working with members of the former Soviet Union to limit the theater defense systems that we can set up around the world to protect our troops. That does not make a lot of sense.

I can simply say that, without naming names, that I have talked with a number of our military experts, people in the service and out of the service, who are very, very worried that this President, in his haste to make deals, is making a deal that we are going to regret because it is going to stop programs cold that could have defended Americans in time of war.

Therefore, the President should review this Navy Upper Tier Program which he himself, which his own analysts have said is a very, very important program.

Mr. Speaker, finally, when the President did this bottom-up review program, he went through all the requirements, or his experts went through all the requirements of things we would need for a strong defense establishment in the coming year.

One aspect of that review covered ammunition. Ammunition is kind of

important. You need ammunition in time of war, and you need lots of it, because you have to sustain your troops. A three-month or a six-month or a nine-month war is a lot different from a two-week war, and you expend ammunition sometimes very quickly.

According to the Army's own study, the amount of money that this President is going to spend on ammunition is about 50 percent of what we need. According to the Army's own study, we are seeing the collapse of about 80 percent of our industrial base that makes ammunition.

Now, doggone it, you have to have ammunition in time of war. The fact that you have got smart, sharp, well-trained troops doesn't mean anything if their guns are empty.

□ 2200

And yet this budget that was presented today by Secretary Perry gives us about half the level of ammunition that the Army's open study says we will need in times of war. That is the President's open review, this so-called Bottom-Up Review board.

So in this very important area of sustainability, the President is deficient, and his Secretary of Defense, while he is an excellent manager and he has taken this little shrinking pot of money that the President has given him and he has tried to manage that reduced amount of money as effectively as he can, he is giving up American capability. You have to have capability to keep your troops, to have quality of life, to equip them well.

That means have modern equipment. We are not giving them modern equipment, because we are putting off modernization of Army and Air Force and naval systems. You have to be able to lift them. That means you have to be able to carry them into a theater in times of combat with either ships or aircraft and you have to be able to sustain them until they win the war for you, and that means they have to have lots of ammunition.

They have to have stand off missile systems like the ones that the President is canceling to keep your pilots from being at risk. You have to have fairly modern aircraft so that they do not break down on you when you need them the most; you do not have to retire them off the carriers leaving gaps in those carriers.

And this President, on the whole, is failing to provide that capability, and in doing so, he is doing a disservice to the American people who look to Congress to provide for the Army and the Navy and the Marine Corps to protect this Nation.

But he is also doing a disservice to the men and women who wear the uniform of the United States, because ultimately in a conflict, their ability to stay alive and come home, as the vast majority did in Desert Storm, is a function of our modernization, our sustainability, our readiness, our airlift, and our national will.

I would look to this Congress, and especially look to the Republican leadership in this Congress, to restore some of the cuts that this President has made in a prudent manner so that in 1995, 1996, 1997, 1998, 1999, and into the next century we remain by far the superior force on the face of the Earth.

#### RULES OF PROCEDURE OF THE COMMITTEE ON INTERNATIONAL RELATIONS FOR THE 104TH CONGRESS

(Mr. GILMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GILMAN. Mr. Speaker, pursuant to rule XI, clause 2(a) of the House rules, I am submitting a copy of our rules which were adopted by the Committee on International Relations on January 10, 1995, to be printed in the RECORD.

#### RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS, 104TH CONGRESS

(Adopted January 10, 1995)

##### 1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular, the committee rules enumerated in Clause 2 of Rule XI, are the rules of the Committee on International Relations, to the extent applicable. The Chairman of the Committee on International Relations (hereinafter referred to as the Chairman) shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee. Each subcommittee of the Committee on International Relations (hereinafter referred to as the "Committee") is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

##### 2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House of Representatives is in session pursuant to Clause 2(b) of Rule XI of the House of Representatives. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with Clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered.

##### 3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, with the following exceptions: (1) Reporting a measure or recommendation, (2) closing Committee meetings and hearings to the public, and (3) authorizing the issuance of subpoenas.

No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

A rollcall vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member.

#### 4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

##### (A) MEETINGS

Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public, because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise violate any law or rule of the House of Representatives. No person other than Members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule.

##### (B) HEARINGS

(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and the Committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may by the procedure designated in this subsection vote to close 1 subsequent day of hearing.

(c) No congressional staff shall be present at any meeting or hearing of the Committee or a subcommittee that has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

#### 5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at least 1 week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin that meeting at an earlier date. Such determination may be made with respect to any hearing or markup by the Chairman or subcommittee chairman, as appropriate.

Public announcement of all hearings and markups shall be made at the earliest possible date and shall be published in the Daily Digest portion of the Congressional Record, and promptly entered into the committee scheduling service of the House Information Systems.

Members shall be notified by the Chief of Staff, whenever it is practicable, 1 week in advance of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 2 full calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting, whenever possible.

#### 6. WITNESSES

##### A. INTERROGATION OF WITNESSES

Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption subject to reasonable time constraints imposed by the Chairman, with questioning by the Committee Members taking place afterward. Members should refrain from questions until such statements are completed. In recognizing Members, the Chairman shall, to the extent practicable, give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness in order to ensure orderly procedure.

Each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

##### B. STATEMENTS OF WITNESSES

To the extent practicable, each witness shall file with the Committee, 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a brief summary of his or her views.

#### 7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantively alter the record. Any such Member or wit-

ness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

#### 8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either the body or appendixes of any Committee or subcommittee hearing, except matter which has been accepted for inclusion in the record during the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes of any hearing to be printed which would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

#### 9. PUBLIC AVAILABILITY OF COMMITTEE VOTES

The result of each rollcall vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices. Such result shall include a description of the amendment, motion, order, or other proposition, the name of each Member voting for and against, and the Members present but not voting.

#### 10. PROXIES

Proxy voting is not permitted in the Committee or in subcommittees.

#### 11. REPORTS

##### A. REPORTS ON BILLS AND RESOLUTIONS

To the extent practicable, not later than 24 hours before a report is to be filed with the Clerk of the House on a measure that has been ordered reported by the Committee, the Chairman shall make available for inspection by all Members of the Committee a copy of the draft committee report in order to afford Members adequate information and the opportunity to draft and file any supplemental, minority or additional views which they may deem appropriate.

With respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the

names of those members voting for and against, shall be included in any Committee report on the measure or matter.

#### B. PRIOR APPROVAL OF CERTAIN REPORTS

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or the subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Members of the Committee or subcommittee, as appropriate. In any case in which Clause 2(l)(5) of Rule XI of the House of Representatives does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

#### C. FOREIGN TRAVEL REPORTS

At the same time that the report required by clause 2(n)(1)(B) of Rule XI of the House of Representatives, regarding foreign travel reports, is submitted to the Chairman, Members and employees of the committee shall provide a report to the Chairman listing all official meetings, interviews, inspection tours and other official functions in which the individual participated, by country and date. Under extraordinary circumstances, the Chairman may waive the listing in such report of an official meeting, interview, inspection tour, or other official function. The report shall be maintained in the full committee offices and shall be available for public inspection during normal business hours.

#### 12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee has recommended the bill or resolution for Committee action, and will not be taken to the House of Representatives for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present. Unusual circumstances will be determined by the Chairman, after consultation with the Ranking Minority Member and such other Members of the Committee as the Chairman deems appropriate.

#### 13. STAFF SERVICES

The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members.

The staff shall include persons with training and experience in international relations, making available to the Committee individuals with knowledge of major countries, areas, and U.S. overseas programs and operations.

(a) The staff of the Committee, except as provided in paragraph (b), shall be appointed, and may be removed, by the Chairman with the approval of the majority of the Members of the Committee. Their remuneration shall be fixed by the Chairman and they shall work under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(b) Subject to clause 6(a)(2) and clause 6(c) of Rule XI of the House of Representatives, the staff assigned to the minority shall be appointed, their remuneration determined, and may be removed, by the Ranking Minority Member with the approval of the majority of the minority party Members of the Committee. No minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall work under the general supervision and direction of the Ranking Mi-

nority Member with the approval or consultation of the minority Members of the Committee.

(c) The Chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee. The Chairman shall ensure that the minority party is fairly treated in the appointment of such staff.

#### 14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

##### A. FULL COMMITTEE

The full Committee will be responsible for the markup and reporting of general legislation relating to foreign assistance (including development assistance, security assistance, and Public Law 480 programs abroad) or relating to the Peace Corps; national security developments affecting foreign policy; strategic planning and agreements; war powers, executive agreements, and the deployment and use of United States Armed Forces; peacekeeping, peace enforcement, and enforcement of United Nations or other international sanctions; arms control, disarmament and other proliferation issues; the Agency for International Development; oversight of State and Defense Department activities involving arms transfers and sales, and arms export licenses; international law; promotion of democracy; international law enforcement issues, including terrorism and narcotics control programs and activities; and all other matters not specifically assigned to a subcommittee.

##### B. SUBCOMMITTEES

There shall be five standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

##### 1. Functional Subcommittees

There shall be two subcommittees with functional jurisdiction:

*Subcommittee on International Economic Policy and Trade.*—To deal with measures relating to international economic and trade policy; measures to foster commercial intercourse with foreign countries; export administration; international investment policy; trade and economic aspects of nuclear technology and materials, of nonproliferation policy, and of international communication and information policy; licenses and licensing policy for the export of dual use equipment and technology; legislation pertaining to and oversight of the Overseas Private Investment Corporation; scientific developments affecting foreign policy; commodity agreements; international environmental policy and oversight of international fishing agreements; and special oversight of international financial and monetary institutions, the Export-Import Bank, and customs.

*Subcommittee on International Operations and Human Rights.*—To deal with Department of State, United States Information Agency, and related agency operations and legislation; the diplomatic service; international education and cultural affairs; foreign buildings; programs, activities and the operating budget of the Arms Control and Disarmament Agency; oversight of, and legislation pertaining to, the United Nations, its affiliated agencies, and other international organizations, including assessed and voluntary contributions to such agencies and organizations; parliamentary conferences and exchanges; protection of American citizens abroad; international broadcasting; international communication and information policy; the American Red Cross; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights generally; and oversight of international population planning and child survival activities.

##### 2. Regional Subcommittees

There shall be three subcommittees with regional jurisdiction: the Subcommittee on the Western Hemisphere; the Subcommittee on Africa; and the Subcommittee on Asia and the Pacific; with responsibility for Europe and the Middle East reserved to the full Committee.

The regional subcommittees shall have jurisdiction over the following within their respective regions:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Oversight of regional lending institutions.

(6) Oversight of matters related to the regional activities of the United Nations, of its affiliated agencies, and of other multilateral institutions.

(7) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(8) Base rights and other facilities access agreements and regional security pacts.

(9) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(10) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

(11) Oversight of all foreign assistance activities affecting the region, and such other matters as the Chairman of the full Committee may determine.

#### 15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman, other subcommittee chairmen, and other appropriate Members, with a view towards minimizing scheduling conflicts. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full Committee.

In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman and the Ranking Minority Member may attend the meetings and participate in the activities of all subcommittees, except for voting and being counted for a quorum. The Chairman and Ranking Minority Member may vote and shall be counted for a quorum on those subcommittees of which they are formal members.

#### 16. REFERRAL OF BILLS BY CHAIRMAN

In accordance with Rule 14 of the Committee and to the extent practicable, all legislation and other matters referred to the Committee shall be referred by the Chairman to a subcommittee of primary jurisdiction within 2 weeks, unless by majority vote of the majority party Members of the full Committee, consideration is to be otherwise effected. In accordance with Rule 14 of the Committee, legislation may also be concurrently referred to additional subcommittees

for consideration in sequence. Unless otherwise directed by the Chairman, such subcommittees shall act on or be discharged from consideration of legislation that has been approved by the subcommittee of primary jurisdiction within 2 weeks of such action.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as manager of a bill during its consideration in the House of Representatives.

#### 17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee. Party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman and the Ranking Minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

#### 18. SUBCOMMITTEE FUNDING AND RECORDS

(a) Each subcommittee shall have adequate funds to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with Clause 2(e)(1) of Rule XI of the House of Representatives, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to the full Committee for inspection by the public in accordance with Rule 9 of the Committee.

All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

#### 19. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The Chairman shall call a meeting of the subcommittee chairmen on a regular basis not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees.

#### 20. ACCESS TO CLASSIFIED INFORMATION

*Authorized persons.*—In accordance with the stipulations of the Rules of the House of Representatives, all Members of the House who have executed the oath required by Clause 13 of Rule XLIII of the House of Representatives shall be authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be considered authorized to have access to classified information within the possession of the Committee when they have the proper security clearances, when they have executed the oath required by Clause 13 of Rule XLIII of the House of Representatives, and when they have a demonstrable need to know. The decision on whether a given staff member has a need to know will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the Ranking Minority Member of the Committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the Ranking Minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Chairman.

*Designated persons.*—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to information classified confidential. Such designated persons must have the proper security clearance, have executed the oath required by Clause 13 of Rule XLIII of the House of Representatives, and have a need to know as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified secret which has been furnished to the Committee pursuant to section 36(b) of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Chairman.

*Location.*—Classified information will be kept in secure safes in the Committee rooms. All materials classified top secret must be kept in secured safes located in the main Committee offices. Top secret materials may not be taken from that location for any purpose.

Materials classified confidential or secret may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its subunits for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman, under procedures designed to ensure the safe handling and storage of such information at all times.

*Notice.*—Appropriate notice of the receipt of classified documents received by the Committee from the executive branch will be sent promptly to Committee Members. The notice will contain information on the level of classification.

*Access.*—Except as provided for above, access to classified materials held by the Committee will be in the main Committee offices in a designated reading room. The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the reading room after inquiring of the Chief of Staff or an assigned staff member. The reading room will be open during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) No photocopying or other exact reproduction, oral recording, or reading by telephone, of such classified information is permitted.

(d) The assigned staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(e) The Classified Materials log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

*Divulgence.*—Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person in any way, shape, form, or

manner. Apparent violations of this rule should be reported as promptly as possible to the Chairman for appropriate action.

*Technical security countermeasures.*—Committee rooms and equipment shall be maintained in accordance with such technical security standards as the Chairman deems necessary to safeguard classified information from unauthorized disclosure. Such standards may include requirements for technical security monitoring during closed sessions involving classified information, conducted under the direction and control of the Chairman by personnel responsible to the Sergeant at Arms of the House of Representatives.

*Other regulations.*—The Chairman may establish such additional regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee. Furthermore, any additional regulations and procedures should be incorporated into the written rules of the Committee at the earliest opportunity.

#### 21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

All Committee and subcommittee meetings or hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage in accordance with the provisions of clause 3 of House rule XI.

The Chairman or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room, but shall not limit the number of television or still cameras to fewer than two representatives from each medium.

Such coverage shall be in accordance with the following requirements contained in Section 116(b) of the Legislative Reorganization Act of 1970, and Clause 3(f) of Rule XI of the Rules of the House of Representatives:

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpoena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Chairman or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobeflights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the current state of the art of television coverage.

(h) In the allocation of the number of still photographers permitted by the Chairman or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos, United Press International Newspictures, and Reuters. If requests are made by more of the media than will be permitted by the Chairman or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

## 22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Committee or its subcommittees, in accordance with Clause 2(m) of Rule XI of the House of the Representatives, in the conduct of any investigation or series of investigations, when authorized by a majority of the Members voting, a majority of the Committee or subcommittee being present. Pursuant to House Rules and under such limitations as the Committee may prescribe, the Chairman may be delegated the power to authorize and issue subpoenas in the conduct of any investigation or series of investigations. During any period in which the House has adjourned for a period of longer than three days, the Chairman may authorize and issue subpoenas under Clause 2(m) of Rule XI of the House of Representatives only after polling the Members of the Committee and obtaining the approval of a majority of such Members. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

## 23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the full extent practicable the principal proponents of the major provisions of the bill as it passed the House), who have

actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

## 24. GENERAL OVERSIGHT

Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

## 25. OTHER PROCEDURES AND REGULATIONS

The Chairman may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

## RULES OF PROCEDURE FOR THE COMMITTEE ON NATIONAL SECURITY FOR THE 104TH CONGRESS

(Mr. SPENCE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SPENCE. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith for publication in the CONGRESSIONAL RECORD the rules of the Committee on National Security that were adopted by the committee on Tuesday, January 10, 1995.

### RULES OF THE COMMITTEE ON NATIONAL SECURITY

#### RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on National Security (hereafter referred to in these rules as the "Committee") and its subcommittees so far as applicable.

#### RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Tuesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee (hereafter referred to in these rules as the "Chairman"), or by written request of members of the Committee pursuant to clause 2(b) of rule XI of the Rules of the House of Representatives.

(b) A Tuesday meeting of the committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

#### RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman shall set meeting date after consultation with the Chairman and the other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearing wherever possible.

#### RULE 4. SUBCOMMITTEES

The Committee shall be organized to consist of five standing subcommittees with the following jurisdictions:

Subcommittee on Military Installations and Facilities: military construction; real estate acquisitions and disposal; housing and support; base closure; and related legislative oversight.

Subcommittee on Military Personnel: military forces and authorized strengths; integration of active and reserve components; military personnel policy; compensation and other benefits; and related legislative oversight.

Subcommittee on Military Procurement: the annual authorization for procurement of military weapon systems and components thereof, including full scale development and systems transition; military application of nuclear energy; and related legislative oversight.

Subcommittee on Military Readiness: the annual authorization for operation and maintenance; the readiness and preparedness requirements of the defense establishment; and related legislative oversight.

Subcommittee on Military Research and Development: the annual authorization for military research and development and related legislative oversight.

#### RULE 5 COMMITTEE PANELS

(a) The Chairman may designate a panel of the Committee drawn from members of more than one subcommittee to inquire into and take testimony of a matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) No panel so appointed shall continue in existence for more than six months. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman.

(c) No panel so appointed shall have legislative jurisdiction.

#### RULE 6. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for hearing only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of the Committee or subcommittee.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of 3 calendar days from the time the report is approved by the subcommittee and printed hearings thereon are available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

#### RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Committee and subcommittees shall make public announcement of the date, place, and subject matter of the committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Committee or subcommittee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

RULE 8. BROADCASTING OF COMMITTEE  
HEARINGS AND MEETINGS

Clause 3 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE  
PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of that hearing or meeting on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the committee or subcommittee, may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to close, the vote must be by rollcall vote and in open session, there being a majority of the Committee or subcommittee present.

(b) Whenever it is asserted that the evidence or testimony at a hearing or meeting may tend to defame, degrade, or incriminate any person, and notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in closed session, if by a majority vote of those present, there being in attendance no less than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may also vote to close the hearing or meeting for the sole purpose discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the Committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, a member of that member's personal staff with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s) which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony: Provided, That such staff member's attendance at such hearings is subject to the approval of the Committee or subcommittee as dictated by national security requirements at the time: Provided further, That this paragraph addresses hearings only and not briefings or meetings held under the provisions of paragraph (a) of this rule; and Provided further, That the attainment of any security clearances involved is the responsibility of individual members.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives,

no member may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated in this rule for closing hearings to the public: Provided, however, That the Committee or the subcommittee may by the same procedure vote to close up to 5 additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

(b) One-third of the Members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum: (1) Reporting a measure or recommendation; (2) Closing committee or subcommittee meetings and hearings to the public; and (3) Authorizing the issuance of subpoenas.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) The time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed 5 minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed 5 minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution.

(b) Members present at a meeting of the Committee or subcommittee when a meeting is originally convened will be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently will be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE 12. SUBPOENA AUTHORITY

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman, under subparagraph (a)(2) in

the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee at least 24 hours in advance of delivery. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee at least 24 hours in advance of delivery; however, no such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of a quorum of the Committee or subcommittee, as appropriate.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath:

Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when they have been recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose.

(b) Members of the Committee or subcommittee who so desire shall have not to exceed 5 minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional time for questioning witnesses by members is discretionary with the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be

before the Committee or subcommittee for consideration.

**RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS**

The transcripts of those hearings and mark-ups conducted by the Committee or a subcommittee which are decided to be officially published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

**RULE 17. VOTING AND ROLLCALLS**

(a) Voting on a measure or matter may be by rollcall vote, division vote, voice vote, or unanimous consent.

(b) A rollcall of the members may be had upon the request of one-fifth of a quorum present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

(d) In the event of a vote or votes, when a number is in attendance at any other Committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so recorded in the rollcall record, upon timely notification to the Chairman by that member.

**RULE 18. PRIVATE BILLS**

No private bill may be reported by the Committee if there are two or more dissenting votes. Private bills so rejected by the Committee may not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Congress.

**RULE 19. COMMITTEE REPORTS**

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each rollcall vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the committee report on the measure or matter.

**RULE 20. POINTS OF ORDER**

No point of order shall lie with respect to any measure reported by the Committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the rules of the Committee; except that a point of order on that ground may be made by any member of the Committee or subcommittee which reported the measure if, in the Committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

**RULE 21. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS**

The result of each rollcall in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for

public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

**RULE 22. PROTECTION OF NATIONAL SECURITY INFORMATION**

(a) All national security information bearing a classification of secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

**RULE 23. COMMITTEE STAFFING**

The staffing of the Committee and the standing subcommittees shall be subject to the rules of the House of Representatives.

**RULE 24. COMMITTEE RECORDS**

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule XXXVI, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

**RULE 25. INVESTIGATIVE HEARING PROCEDURES**

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

**RULES OF PROCEDURE FOR THE COMMITTEE ON VETERANS' AFFAIRS FOR THE 104TH CONGRESS**

(Mr. STUMP asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STUMP. Mr. Speaker, pursuant to clause 2 of rule XI of the Rules of the House of Representatives, I submit the rules of procedure of the Committee on Veterans' Affairs for printing in the RECORD.

**COMMITTEE RULES OF PROCEDURE OF THE 104TH CONGRESS**

(Adopted January 11, 1995)

**RULE 1—APPLICABILITY OF HOUSE RULES**

The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee and is subject to the authority and direction of the committee and to its rules so far as applicable.

**RULE 2—COMMITTEE MEETINGS AND HEARINGS**

*Regular and additional meetings*

(a)(1) The regular meeting day for the committee shall be at 10 a.m. on the second Tuesday of each month in such place as the chairman may designate. However, the

chairman may dispense with a regular Tuesday meeting of the committee.

(2) The chairman of the committee may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

*Public announcement*

(b)(1) The chairman, in the case of a hearing to be conducted by the committee, and the subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or the subcommittee determines that there is good cause to begin the hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Clerk of the Congressional Record and the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(2) Meetings and hearings of the committee and each of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of House rule XI.

*Quorum and rollcalls*

(c)(1) A majority of the members of the committee shall constitute a quorum for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(2) No measure or recommendation shall be reported to the House of Representatives unless a majority of the committee was actually present.

(3) There shall be kept in writing a record of the proceedings of the committee and each of its subcommittees, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the office of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(4) A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to any rollcall vote on any motion to amend or report, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the report of the committee on the bill or resolution.

(5) No vote by any member of the committee or a subcommittee with respect to any measure or matter may be cast by proxy.

*Calling and interrogating witnesses*

(d)(1) Committee and subcommittee members may question witnesses only when they have been recognized by the chairman of the committee or subcommittee for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member may be extended only with the unanimous

consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(2) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of the appearance of the witness, a written statement of the testimony of the witness and shall limit any oral presentation to a summary of the written statement.

(3) When a hearing is conducted by the committee or a subcommittee on any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman, of a majority of those minority members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of the hearing thereon.

#### *Media coverage of proceedings*

(e) Any meeting of the committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with the provisions of clause 3 of House rule XI.

#### *Subpoenas*

(f) Pursuant to clause 2(m) of House rule XI, a subpoena may be authorized and issued by the committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

#### RULE 3—GENERAL OVERSIGHT RESPONSIBILITY

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the committee and its various subcommittees, consistent with their jurisdiction as set forth in Rule 4, shall have oversight responsibilities as provided in subsection (b).

(b)(1) The committee and its subcommittees shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

(2) In addition, the committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee or subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future

research and forecasting on matters within the jurisdiction of the committee or subcommittee.

(3) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of House rule X.

#### RULE 4—SUBCOMMITTEES

##### *Establishment and Jurisdiction of Subcommittees*

(a)(1) There shall be three subcommittees of the committee as follows:

(A) Subcommittee on Hospitals and Health Care, which shall have legislative, oversight and investigative jurisdiction over veterans' hospitals, medical care, and treatment of veterans.

(B) Subcommittee on Compensation, Pension, Insurance and Memorial Affairs, which shall have legislative, oversight and investigative jurisdiction over compensation, pensions of all the wars of the United States, general and special, life insurance issued by the Government on account of service in the Armed Forces, cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, and burial benefits.

(C) Subcommittee on Education, Training, Employment and Housing, which shall have legislative, oversight and investigative jurisdiction over education of veterans, vocational rehabilitation, veterans' housing programs, and readjustment of servicemen to civilian life.

In addition, each subcommittee shall have responsibility for such other measures or matters as the Chairman refers to it.

(2) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of that subcommittee.

##### *Referral to Subcommittees*

(b)(1) The chairman of the committee may refer a measure or matter, which is within the general responsibility of more than one of the subcommittees of the committee, jointly or exclusively as the chairman deems appropriate.

(2) In referring any measure or matter to a subcommittee, the chairman of the committee may specify a date by which the subcommittee shall report thereon to the committee.

##### *Powers and Duties*

(c)(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman of the committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

(2) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to

bring such bill, resolution, or matter to a vote.

(3) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(4) A member of the committee who is not a member of a particular subcommittee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

(d) Each subcommittee of the committee shall provide the committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the chairman of the committee deems necessary for the committee to comply with all rules and regulations of the House.

#### RULE 5—TRANSCRIPTS AND RECORDS

(a)(1) There shall be a transcript made of each regular meeting and hearing of the committee and its subcommittees. Any such transcript shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(2) The committee shall keep a record of all actions of the committee and each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of House rule XI and shall be available for public inspection at reasonable times in the offices of the committee.

(3) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule XXXVI. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on written request of any member of the committee.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GEPHARDT (at his own request), after 5 p.m. today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ORTON) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. FATTAH, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.  
 Mrs. CLAYTON, for 5 minutes, today.  
 Mr. ORTON, for 5 minutes, today.  
 Mr. OWENS, for 5 minutes, today.  
 Ms. PELOSI, for 5 minutes, today.

(The following Members (at the request of Mr. HORN) to revise and extend their remarks and include extraneous material:)

Mr. KOLBE for 5 minutes each day, today and on February 8 and 9.

Mr. MARTINI, for 5 minutes on February 8.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. HORN, for 5 minutes, on February 8.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ORTON) and to include extraneous matter:)

Mr. STARK.

Mr. SISISKY.

Mr. HAYES.

Mr. STOKES.

Mr. HINCHEY.

Mr. COLEMAN.

Mr. CLAY.

Ms. WOOLSEY in two instances.

Mr. WARD.

Mr. FAZIO of California.

Mr. DINGELL.

Mr. CARDIN.

Mr. TORRICELLI.

Mr. ROEMER.

Mr. BORSKI.

Mrs. LINCOLN.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. RADANOVICH.

Mr. SMITH of New Jersey.

Mr. CUNNINGHAM.

Mr. DAVIS in two instances.

Mr. CRANE.

Mr. FAWELL.

Mr. LINDER.

#### ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; according (at 10 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 8, 1995, at 11 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

309. A letter from the Federal Housing Finance Board, transmitting the Board's Annual Enforcement Report covering the period

of January 1, 1994, through December 31, 1994, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

310. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a report entitled "Performance Profiles of Major Energy Producers 1993," pursuant to 42 U.S.C. 7267; to the Committee on Commerce.

311. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the Commission's annual report for fiscal year 1993, pursuant to 15 U.S.C. 2076(j); to the Committee on Commerce.

312. A communication from the President of the United States, transmitting the annual report on science, technology and American diplomacy for fiscal year 1994, pursuant to 22 U.S.C. 2656c(b); to the Committee on International Relations.

313. A letter from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting a report on the audit of the American Red Cross for the year ending June 30, 1994, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

314. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid pursuant to 22 U.S.C. 2708(h); to the Committee on International Relations.

315. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid pursuant to 22 U.S.C. 2708(h); to the Committee on International Relations.

316. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-381, "bilingual and Multicultural Government Personnel Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

317. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-392, "District of Columbia Nonviolent Offenses Mandatory-Minimum Sentences Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

318. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-393, "Recreation Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

319. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-394, "Health Occupation Revision Act of 1985 Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

320. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-395, "Closing of a Public Alley in Square 253, S.O. 88-107, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

321. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-396, "Uniform Commercial Code—Negotiable Instruments Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

322. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-397, "D.C. Resident Tax Credit Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

323. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. Act 10-398, "Solid Waste Facility Permit Temporary Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

324. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-399, "Commercial Piracy Protection Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

325. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-401, "Multiyear Budget Spending and Support Temporary Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

326. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-402, "Term Limits Initiative of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

327. A letter from the Potomac Electric Power Co., transmitting a copy of the balance sheet of Potomac Electric Power Co. as of December 31, 1994, pursuant to D.C. Code, section 43-513; to the Committee on Government Reform and Oversight.

328. A letter from the Director, Congressional Budget Office, transmitting a report on unauthorized appropriations and expiring authorizations by CBO as of January 15, 1995, pursuant to 2 U.S.C. 602(f)(3); to the Committee on Government Reform and Oversight.

329. A letter from the Acting Administrator, General Services Administration, transmitting notification of the determination that it is in the public interest to use other than competitive procedures to award a contract to the city of Manassas to establish a pilot telecommuting center in Manassas, VA, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform and Oversight.

330. A letter from the Inspector General, General Services Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

331. A letter from the Chief Administrator, Postal Rate Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

332. A letter from the Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

333. A letter from the Secretary of Labor, transmitting notification of the Department's intent to award a sole-source contract to the Management and Training Corp. for the operation of the Cleveland Job Corps Center in Cleveland, OH; to the Committee on Government Reform and Oversight.

334. A letter from the Director of Operations and Finance, The American Battle Monuments Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

335. A letter from the Special Assistant to the President for Management and Administration and Director of the Office of Administration, the White House, transmitting the

Integrity Act reports for each of the Executive Office of the President agencies, as required by the Federal Manager's Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

336. A letter from the Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

337. A letter from the Inspector General, Federal Emergency Management Agency, transmitting a copy of the Agency's administration of the permanent and temporary relocation components of the Superfund Program during fiscal year 1993, pursuant to 31 U.S.C. 7501 note; jointly, to the Committees on Commerce and Transportation and Infrastructure.

338. A letter from the Secretary of the Army, transmitting a report on the Washington Aqueduct, pursuant to Public Law 103-334, section 142(c); jointly, to the Committees on Transportation and Infrastructure and Appropriations.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHUSTER (for himself, Mr. MINETA, Mr. PETRI, Mr. RAHALL, Mr. DUNCAN, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI):

H.R. 842. A bill to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself and Mr. SHAW):

H.R. 843. A bill to amend the Internal Revenue Code of 1986 to restore the exception to the market discount rules for tax-exempt obligations; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 844. A bill to amend the Internal Revenue Code of 1986 to permit farmers to roll-over into an individual retirement account the proceeds from the sale of a farm; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.R. 845. A bill rescinding certain budget authority, and for other purposes; to the Committee on Appropriations.

By Mr. CREMEANS:

H.R. 846. A bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes; to the Committee on Resources.

By Mr. DAVIS (for himself, Mr. WELDON of Florida, Mr. FOLEY, Mr. PORTMAN, Mr. TORKILDSEN, Mr. FORBES, Mr. HAYES, Mr. TAYLOR of Mississippi, Mr. BLUTE, Mr. CHAMBLISS, Ms. PRYCE, Mr. HUNTER, Mr. WHITE, Mr. GUTKNECHT, Mr. WICKER, Mr. HORN, Mr. TIAHRT, Mr. CANADY, Mr. BROWNBACK, Mr. BASS, and Mr. WHITFIELD):

H.R. 847. A bill to reduce the official mail allowance of Members of the House; to the Committee on House Oversight.

By Mr. DEAL of Georgia:

H.R. 848. A bill to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; to the Committee on Resources.

By Mr. FAWELL (for himself, Mr. OWENS, Mr. GOODLING, Mr. CLAY, Mr. BALLENGER, Mr. PETRI, Mrs. ROUKEMA, Mr. HOEKSTRA, Mr. SAWYER, Mr. MARTINEZ, Mr. KILDEE, Mr. TALENT, Mrs. MEYERS of Kansas, Mr. KNOLLENBERG, Mr. PAYNE of New Jersey, Mr. WELDON of Florida, Mr. GRAHAM, Mr. GENE GREEN of Texas, Mr. MCDERMOTT, Mr. ENGEL, Ms. SLAUGHTER, Mr. ANDREWS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 849. A bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mrs. FOWLER:

H.R. 850. A bill to ratify the States' right to limit congressional terms; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Mr. RICHARDSON, and Mr. DICKEY):

H.R. 851. A bill to direct the Secretary of Health and Human Services to establish pilot projects to investigate the effectiveness of the use of rural health care provider telemedicine networks to provide coverage of physician consultative services under part B of the Medicare Program to individuals residing in rural areas; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. DELLUMS, Mr. ZIMMER, Mr. BROWN of California, Mr. BRYANT of Texas, Ms. ESHOO, Mr. SANDERS, Mr. STARK, Mr. BARRETT of Wisconsin, Mr. WAXMAN, Mr. FARR, Ms. VELÁZQUEZ, Mr. BROWN of Ohio, Mr. EVANS, Mr. TORRES, Mr. GUTIERREZ, Mr. NADLER, Mr. LANTOS, Mr. CARDIN, Ms. NORTON, and Mr. FILNER):

H.R. 852. A bill to designate as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming, and for other purposes; to the Committee on Resources.

By Mrs. MEEK of Florida:

H.R. 853. A bill to provide for adjustment of immigration status for certain Haitian children; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 854. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide that municipalities and other persons shall not be liable under that act for the generation or transportation of municipal solid waste; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 855. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to establish a maximum limit of liability for municipalities and other persons liable

under that act for the generation or transportation of municipal solid waste; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ZIMMER:

H.R. 856. A bill to require that unobligated funds in the official mail allowance of Members be used to reduce the Federal deficit; to the Committee on House Oversight.

By Mr. DIAZ-BALART:

H. Con. Res. 24. Concurrent resolution calling for the United States to propose and seek an international embargo against the totalitarian Government of Cuba; to the Committee on International Relations.

By Mr. ROEMER:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress that the war in Chechnya is of concern to the United States and that President Clinton should not attend the United States-Russia summit in Moscow in May 1995 until the Chechen situation has been resolved; to the Committee on International Relations.

By Mr. CLINGER:

H. Res. 62. Resolution providing amounts for the expenses of the Committee on Government Reform and Oversight in the 104th Congress; to the Committee on House Oversight.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. FIELDS of Texas.

H.R. 13: Mr. KIM.

H.R. 28: Mrs. SEASTRAND.

H.R. 34: Mr. FOX, Mr. BISHOP, Mr. GENE GREEN of Texas, Ms. DANNER, Mr. MINGE, Mr. ANDREWS, Mr. ISTOOK, Mr. SANDERS, and Mr. CRAMER.

H.R. 70: Mr. HORN, Mr. CUNNINGHAM, Mr. LEWIS of California, Mr. DELAY, Mr. BONO, Mr. KIM, and Mr. GENE GREEN of Texas.

H.R. 76: Ms. DELAURO.

H.R. 77: Mr. CALVERT.

H.R. 78: Mr. STEARNS.

H.R. 97: Mr. ACKERMAN.

H.R. 99: Mr. DELLUMS, Mr. LIPINSKI, Mr. FARR, Ms. MCCARTHY, Ms. VELÁZQUEZ, Mr. NEAL of Massachusetts, Mr. YATES, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. BURR, Mr. DIXON, Ms. LOFGREN, Mr. KLECZKA, Mr. ENGLISH of Pennsylvania, Mr. GUTIERREZ, Mr. KENNEDY of Rhode Island, Mrs. MEYERS of Kansas, and Mr. NADLER.

H.R. 210: Mr. PACKARD.

H.R. 216: Mr. CALVERT.

H.R. 217: Mr. MCCRERY.

H.R. 218: Mr. COLLINS of Georgia.

H.R. 219: Mrs. SEASTRAND.

H.R. 325: Mr. KLECZKA and Mr. STUMP.

H.R. 370: Mr. SHUSTER, Mr. ROTH, Mr. GOODLING, Mr. HOSTETTLER, and Mr. HEINEMAN.

H.R. 372: Mr. BILBRAY.

H.R. 373: Mrs. MEYERS of Kansas and Mr. NORWOOD.

H.R. 447: Mr. STEARNS, Mr. GENE GREEN of Texas, Mr. McNULTY, Mr. TAYLOR of Mississippi, Mr. MCHUGH, Mr. BONIOR, Mr. HILLIARD, Mr. ORTIZ, Mr. BLUTE, Mr. KANJORSKI, Mr. HEFNER, Mr. HAYES, Mr. BRYANT of Texas, Mr. VENTO, and Mr. HOLDEN.

H.R. 450: Mr. BALLENGER, Mrs. FOWLER, Mr. GEKAS, Mr. HERGER, Mr. HORN, Mr. SAM JOHNSON, Mr. MCINNIS, Mr. WATTS of Oklahoma, Mr. BROWNBACK, and Mr. CALVERT.

H.R. 462: Mr. ROEMER and Mr. UPTON.

H.R. 485: Mr. CALVERT.

H.R. 553: Mr. TOWNS.

H.R. 558: Mr. ARCHER.

H.R. 580: Mr. EVERETT, Mr. LEWIS of California, Mr. HALL of Texas, and Mr. CALVERT.

H.R. 592: Mr. KIM, Mrs. SEASTRAND, Mr. BILBRAY, Mr. STUMP, Mr. CANADY, Mrs. CHENOWETH, and Mr. SHAYS.

H.R. 619: Mr. CONYERS, Ms. WOOLSEY, Mr. NADLER, and Mr. SERRANO.

H.R. 620: Mr. CONYERS, Ms. WOOLSEY, and Mr. NADLER.

H.R. 638: Mr. MILLER of Florida, Mr. MILLER of California, Mr. OWENS, Mr. VENTO, Ms. RIVERS, and Mr. WATT of North Carolina.

H.R. 696: Mr. GENE GREEN of Texas, Mr. ANDREWS, Mr. BILBRAY, Mr. FATTAH, Mr. WYNN, Mr. EMERSON, Mr. SANDERS, Mr. SHADEGG, and Ms. BROWN of Florida.

H.R. 698: Mr. BALLENGER, Mr. WICKER, and Mr. HAYWORTH.

H.R. 709: Mrs. MORELLA, Ms. PELOSI, Mr. SOLOMON, Mrs. CLAYTON, Mr. RANGEL, and Mr. FROST.

H.R. 728: Mr. WELLER.

H.R. 729: Mr. WELLER and Mr. ROYCE.

H.R. 731: Mr. HASTINGS of Florida and Mr. BAKER of California.

H.R. 739: Mr. STEARNS, Mr. CHRYSLER, and Mr. DUNCAN.

H.R. 795: Mr. NORWOOD, Mr. HUTCHINSON, and Mr. MILLER of Florida.

H.R. 800: Ms. DANNER, Mr. FUNDERBURK, and Mr. McCRERY.

H.R. 824: Mr. VISCLOSKEY.

H.R. 840: Mrs. CLAYTON.

H.J. Res. 5: Mr. ORTON.

H.J. Res. 38: Mr. MCCOLLUM.

H.J. Res. 66: Mr. INGLIS of South Carolina, Mr. COOLEY, Mr. CHRISTENSEN, Mr. TALENT, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 4: Mr. SAM JOHNSON, Mr. BARTLETT of Maryland, Mr. MOORHEAD, Mrs. MEYERS of Kansas, and Mr. HANCOCK.

H. Con. Res. 5: Mr. STEARNS and Mr. CALVERT.

H. Con. Res. 12: Mr. UNDERWOOD and Mr. SENSENBRENNER.

H. Con. Res. 23: Mr. SANDERS, Mr. DEUTSCH, Mr. DELLUMS, Ms. KAPTUR, Mr. MILLER of California, Mr. CLYBURN, Mr. BOUCHER, and Mr. GENE GREEN of Texas.

H. Res. 25: Mr. HAYWORTH, Mr. ENGLISH of Pennsylvania, Ms. DUNN of Washington, Mrs. CUBIN, and Mr. PETERSON of Minnesota.

H. Res. 30: Mr. BOEHLERT, Mr. EMERSON, Mr. KLECZKA, Mrs. VUCANOVICH, Mr. GUTIERREZ, Mr. COBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONIOR, Mr. MINGE, Mr. CHAPMAN, Ms. ROYBAL-ALLARD, Mr. EHLERS, Ms. PELOSI, Mr. BURTON of Indiana, Mr. FALCOMA, Mr. REED, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Mr. SOLOMON, and Mr. HOEKSTRA.

H. Res. 57: Mr. CONDIT.

H. Res. 58: Mr. HAYWORTH and Mrs. MEYERS of Kansas.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

2. The SPEAKER presented a petition of the board of commissioners, Fulton County, GA, relative to unfunded Federal mandates; which was referred jointly, to the Committees on Government Reform and Oversight and Rules.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 667

OFFERED BY: MR. CARDIN

AMENDMENT NO. 6: Page 8, strike lines 7 through 11, and insert the following:

- “(1) \$990,300,000 for fiscal year 1996;
- “(2) \$1,322,800,000 for fiscal year 1997;
- “(3) \$2,519,800,000 for fiscal year 1998;
- “(4) \$2,652,800,000 for fiscal year 1999; and
- “(5) \$2,745,900,000 for fiscal year 2000.

H.R. 667

OFFERED BY: MR. RIGGS

AMENDMENT NO. 7: After subsection (b) of section 504, insert the following new subsection (and redesignate subsequent subsections accordingly):

“(c) AVAILABILITY OF FUNDS FOR JAIL CONSTRUCTION.—A State may use up to 15 percent of the funds provided under this title for jail construction, if the Attorney General determines that the State has enacted—

“(1) legislation that provides for pretrial release requirements at least as restrictive as those found in section 3142 of title 18, United States Code; or

“(2) legislation that requires an individual charged with an offense for which a sentence of more than one year may be imposed, or charged with an offense involving violence against another person, may not be released before trial without a financial guarantee to ensure appearance before trial.”

H.R. 667

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 8: Strike subparagraph (B) of section 101(a)(2) of the Violent Crime Control and Safe Streets Act of 1994, as amended by section 2 of this bill, and insert the following:

“(B) Enhancing security measures—

“(i) in and around schools; and

“(ii) in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

H.R. 667

OFFERED BY: MR. TORRICELLI

AMENDMENT NO. 9: On page 6, line 14, after “General” insert “including a requirement that any funds used to carry out the programs under section 501(a) shall represent the best value for the government at the lowest possible cost and employ the best available technology.”

H.R. 668

OFFERED BY: MR. BURR

AMENDMENT NO. 1: At the end insert the following new section (and conform the table of contents accordingly):

### SEC. 14. MANDATORY DETENTION OF ALIEN AGGRAVATED FELONS PENDING DEPORTATION.

Section 242(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1252(A)(2)) is amended—

(1) by striking subparagraph (B); and

(2) in subparagraph (A)—

(A) by striking “(2)(A)” and inserting “(2)”, and

(B) in the second sentence—

(i) by striking “but subject to subparagraph (B)”, and

(ii) by inserting before the period “either before or after a determination of deportability until such alien is deported, unless the alien is finally determined to be not deportable”.

H.R. 668

OFFERED BY: MR. BURR

AMENDMENT NO. 2: At the end insert the following new section (and conform the table of contents accordingly):

### SEC. 14. DISCRETIONARY AUTHORITY TO DEPORT ALIENS BEFORE COMPLETION OF SENTENCE.

(a) IN GENERAL.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

“(e) DISCRETIONARY AUTHORITY TO DEPORT CERTAIN CRIMINAL ALIENS BEFORE COMPLETION OF SENTENCE.—(1) In the case of an alien who has been determined to be deportable, except as provided in paragraph (2), the Attorney General may provide for the alien's deportation before the completion of the sentence, if the authority providing for the term of imprisonment is authorized to consent and consents to the alien's release for deportation before completion of the sentence.

“(2) The Attorney General shall not exercise authority under paragraph (1) unless the Attorney General determines that (A) the early release from imprisonment is in the public interest; and (B) the alien is not confined pursuant to a criminal offense of a State, a political subdivision of a State, or the Federal Government which consists of (i) murder or attempted murder, (ii) rape or sexual assault, (iii) espionage, (iv) terrorism, (v) pedophilia, (vi) assassination or attempted assassination of a public official, (vii) leading a drug trafficking ring, or (viii) alien smuggling.”

(b) CONFORMING AMENDMENTS.—

(1) Section 242(h) of such Act (8 U.S.C. 1252(h)) is amended by striking “An alien” and inserting “Subject to section 242A(e), an alien”.

(2) Section 242A(d)(3)(A)(iii) of such Act (8 U.S.C. 1252a(d)(3)(A)(iii)) is amended by inserting “, subject to subsection (e),” after “become final and”.

H.R. 668

OFFERED BY: MR. CUNNINGHAM

AMENDMENT NO. 3: At the end insert the following new section (and conform the table of contents accordingly):

### SEC. 14. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

H.R. 668

OFFERED BY: MR. CUNNINGHAM

AMENDMENT NO. 4: At the end insert the following new section (and conform the table of contents accordingly):

### SEC. 14. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the “Treaty”) to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations of appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with, the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

H.R. 668

OFFERED BY: MR. FOLEY

AMENDMENT NO. 5: At the end insert the following section (and conform the table of contents accordingly):

**SECTION 14. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.**

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

“(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

“(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

“(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

“(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense, and (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

“(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2).”

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

“(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.”

H.R. 668

OFFERED BY: MR. HORN

AMENDMENT NO. 6: At the end insert the following new section (and conform the table of contents accordingly):

**SEC. 14. PRISONER TRANSFER TREATIES.**

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner

transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

H.R. 668

OFFERED BY: MR. MORAN

AMENDMENT NO. 7: Page 14, after line 6, insert the following new section (and conform the table of contents accordingly):

**SEC. 14. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.**

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice to provide technical and prosecutorial assistance to States and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

H.R. 668

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 8: Strike section 11 (and redesignate the subsequent sections and conform the table of contents accordingly).

H.R. 728

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 1: Strike subparagraph (B) of section 101(a)(2) of the Violent Crime Control and Safe Streets Act of 1994, as amended by section 2 of this bill, and insert the following:

“(B) Enhancing security measures—

“(i) in and around schools; and

“(ii) in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, TUESDAY, FEBRUARY 7, 1995

No. 24

## Senate

(Legislative day of Monday, January 30, 1995)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rabbi Joshua O. Haberman, of the Washington Hebrew Congregation.

### PRAYER

The guest Chaplain, the Rabbi Joshua O. Haberman, offered the following prayer:

Let us pray:

Rock of Ages:

We whose lives are forever in motion, from moment to moment, from place to place, even from life to death, we turn to Thee, Creator of all, who alone remains eternally the same in this ever-changing world.

Though we be but specks of dust in this vast universe, not knowing why and for what purpose we were brought into life, we are still Thy creatures and Thou art the very source of our being. In this moment of prayer and in spiritual linkage with Thee, we partake of Thine eternity and glory in the faith that Thou hast set meaning and purpose for our existence. Amen.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished chairman of the Judiciary Committee is recognized.

Mr. HATCH. I thank the Chair.

### SCHEDULE

Mr. HATCH. As the President pro tempore said, this morning time for the two leaders has been reserved and the Senate will immediately resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment.

For the information of all of my colleagues, according to the consent agreement entered last night, Senator DOLE or his designee will move to table the Daschle motion to commit at 12 o'clock noon tomorrow. Therefore, there will be debate only today on the pending amendments, so there will be no rollcall votes during today's session.

Also, the Senate will recess between the hours of 12:30 to 2:15 for the weekly policy luncheons to meet.

I notice my friend and colleague from Wisconsin is here and would desire to speak, so I yield the floor.

Mr. KOHL. I thank the Senator.

Mr. President, I ask to speak as if in morning business.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

### REDUCING GUNS IN AMERICA

Mr. KOHL. Mr. President, last week was Schools Without Violence week in the Milwaukee public schools. However, last Monday, at the same time that students in my alma mater, Washington High School, were preparing essays on a theme of "Peace Begins with Me," gunshots shattered that peace. In the first shooting ever in a Milwaukee classroom, a 19-year-old former student shot a high school senior in the arm and leg. He was fortunate that he was not killed.

In the aftermath, one concerned mother stated:

Washington High School is a place of learning for kids. They should feel safe

enough to learn. For this to happen here is unfair.

Mr. President, this is not just unfair. It is unacceptable. Young people should be able to concentrate on their biology and math classes and not on avoiding bullets.

Of course, there is no easy cure for the violence that is riddling our streets and ravaging our schools. We need more police, more prisons, and better family structure. However, I do believe that in the last Congress we passed three measures which can begin to make a difference: The Brady Act, the Youth Handgun Safety Act, and the assault weapons ban. I do not believe that any of these bills infringe on anyone's second amendment rights, and I am a strong supporter of these rights.

First, the evidence strongly supports the fact that during the 11 months that it has been in effect, the Brady law has helped save lives. According to the Bureau of Alcohol, Tobacco and Firearms, the Brady law has resulted in approximately 2 percent of all applicants being turned down from purchasing firearms because they were ineligible. Fugitives, rapists, murderers, and convicted felons have been arrested while trying to purchase guns.

In my own State of Wisconsin, which has a 2-day waiting period and a background check on handguns, more than 800 convicted felons have been prevented from buying handguns in the past 3 years.

Second, as we all know, homicides involving firearms, especially among our Nation's young, are on the increase. The risk of being murdered by a firearm in the United States has more than doubled since 1966. But for young people aged 15 to 19, it is much worse. The rate has increased nearly seven times. In our America of 1995, far too many of our young people are being killed and far too many of our young people are killing each other.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The problem of young people and guns has concerned me ever since I came to Washington. Last year, we finally made some progress. We enacted the Youth Handgun Safety Act as part of the crime bill which makes it a Federal crime to sell a handgun to a minor and for a minor to possess a handgun under most circumstances. Our measure had bipartisan support, from Senators CRAIG and THURMOND to former Senator Metzenbaum, from the NRA to law enforcement. It is not a total solution, but it does take a step toward stemming the violence.

Finally, we have all read reports that some House Members want to repeal the ban on assault weapons as part of a new crime bill. I believe that this would be a terrible mistake. Have we forgotten about the 1989 massacre of innocent schoolchildren in Stockton, CA, and have we forgotten about the Long Island Railroad commuters who were ruthlessly gunned down just last year?

The ban on assault weapons is supported by almost 80 percent of the American people and numerous police organizations. Law enforcement claims that these are the weapons of choice for gang members and drug kingpins and that repealing the ban would ensure that gangs outgun police officers who walk the beat. In any event, to repeal the ban would be to reopen a partisan political wound just at a time when we are trying to work together on behalf of the American people. For that reason alone, Senators DOLE and HATCH deserve credit for not including a repeal in their crime legislation.

Yes, things have certainly changed from when I was a student at Washington High School. Back then, we did not have to worry about gangs and drugs and assault weapons and broken homes. Young people were not raised in front of TV sets that bombarded them with senseless violent images. And now for many young people guns, crime, and violence are the only way that they think they can get ahead.

Mr. President, this is not the kind of a world that our children deserve, but it is one in which too many do in fact live. And so I look forward to working with my colleagues in the 104th Congress to reduce the number of guns in school and the number of young people with guns.

I thank the Chair.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Pending;

Daschle motion to commit the resolution, with instructions to report back forthwith, with Daschle amendment No. 231, to require a budget plan before the amendment takes effect.

Dole amendment No. 232 (to instructions to commit), to establish that if Congress has not passed a balanced budget amendment to the Constitution by May 1, 1995, with 60 days thereafter, the President shall transmit to Congress a detailed plan to balance the budget by the year 2002.

Dole amendment No. 233 (to amendment No. 232), in the nature of a substitute.

Mr. HATCH. Mr. President, I would like to just continue where I was yesterday. I appreciate the comments of my dear friend from Wisconsin and the leadership he is providing on the balanced budget amendment as well.

Yesterday I brought up a Balanced Budget Act debt tracker, and you can see by this tracker that since we have been debating—we are now in our ninth day—since we have been debating the balanced budget amendment, each day the national debt has gone up \$829,440,000. That was day one. As you can see, each day that we are debating this amendment, the deficit that the American taxpayers are owing is going up by that amount. It is a steady climb. As of yesterday, we were up to \$6,635,520,000. As of today, the ninth day of our debate, we are now up to \$7,464,960,000.

The trend line is straight up and we have only debated this 9 days. The President's budget does not do anything about that. As a matter of fact, his budget is going to go on at about \$200 billion a year in deficits.

Today I added this other bar to this balanced budget amendment debt tracker. The debt, as I said, is now increased by \$7,464,960,000 in just the 9 days we have been on this balanced budget amendment. A staff member told me this morning, regarding the balanced budget, in an attempt to balance his own budget at home he spends \$50 a week for groceries. This \$7.4 billion that we have just spent in 9 days, putting us into more bankruptcy—that \$7.4 billion would buy that staff member groceries for 2,871,138 years at \$50 a week. So you can see how big this really is. If you look in the Wall Street Journal yesterday there is a very clever article related to the debt.

I ask unanimous consent it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 6, 1995]  
IF YOU BOUGHT 2 TRILLION COPIES OF THIS  
PAPER \* \* \*

(By Stephen Moore)

Today, President Clinton releases his fiscal 1996 budget. Already the Associated Press is reporting that officials claim the budget "proposes to abolish or consolidate hundreds of government programs, reducing federal spending by \$144 billion over the next five years." No doubt the president will firmly insist that this is the most tight-fisted, penny-pinching budget in 20 years.

Why is this so predictable? Because this is what every president since Richard Nixon has said. But 20 years ago the federal budget

was \$370 billion. Today, Mr. Clinton will request almost \$1.6 trillion. Even adjusting for inflation, the federal budget is twice as large as it was during the last years of the Nixon presidency. Besides, without the sleight of hand of baseline budgeting, President Clinton's new budget calls for a \$50 billion increase in spending from the current budget. And that was \$70 billion more than was spent the year before that. Yet the budget-busting news is bound to be greeted with a national yawn of unconcern.

Why is there more public outrage when we learn that Washington wastes \$100 on Al Gore's famous ashtray than that it wastes nearly \$1.6 trillion on everything else? Much of the problem seems to be that 1½ trillion is an incomprehensibly large number. So here are some simple ways to picture how enormous the U.S. government is today:

One trillion dollars—\$1,000,000,000,000.00. That's 12 zeroes to the left of the decimal point. A trillion is a million times a million. It would take more than 1½ million millionaires to have as much money as is spent each year by Congress.

One of the highest-paid workers in America today is basketball superstar Shaquille O'Neal, who reportedly earns about \$30 million a season in salary and endorsements. He is rich beyond our wildest imaginations. But he'd have to play 33,000 seasons before he earned \$1 trillion. It would take a Superdome full of Shaquille O'Neals to have enough to pay all of Congress's bills each year.

Here's an experiment. What if we were to try to pay off the \$4 trillion national debt by having Congress put one dollar every second into a special debt-buy-down account? How many years would it take to pay off the debt? One million seconds is about 12 days. One billion seconds is roughly 32 years. But one trillion seconds is almost 32,000 years. So to pay off the debt, Congress would have to put dollar bills into this account for about the next 130,000 years—roughly the amount of time that has passed since the Ice Age.

Even if we were to require Congress to put \$100 a second into this debt-buy-down account, it would still take well over 1,000 years to pay the debt down.

Try this one on for size. Imagine a train of 50-foot boxcars crammed with \$1 bills. How long would the train have to be to carry the \$1.6 trillion Congress spends each year? About \$65 million can be stuffed in a boxcar. Thus, the train would have to be about 240 miles long to carry enough dollar bills to balance the federal budget. In other words, you would need a train that stretches the entire Northeast corridor, from Washington, through Baltimore, Delaware, Philadelphia, New Jersey, and into New York City.

Former Office of Management and Budget Director Jim Miller calculates that if a military jet were flying overhead at the speed of sound and spewing out a roll of dollar bills behind it, the plane would have to fly for more than 15 years before it reeled out 1.6 trillion dollar bills.

Here's a challenging one: If you laid \$1 bills from end to end, could you make a chain that stretches to the moon with 1.6 trillion? Answer: without a sweat, with billions and billions of dollars left over. In fact, they would stretch nearly from the Earth to the sun.

The newspaper tabloids report that O.J. Simpson is paying some \$55,000 a day in legal fees. The trial would have to last 26 million days, or almost 100,000 years, before the lawyers earned \$1.6 trillion.

This year the White House want to spend three times as much as America did to win World War I, which cost roughly \$500 billion in today's dollars. Adjusted for inflation, the combined cost of defeating the Nazis and the

Japanese in World War II and winning World War I was \$4.5 trillion. This is what Washington will spend in peacetime in just the next three years to continue losing the war on poverty, drugs, illiteracy, homelessness and so on.

So far, we've just been counting the amount Washington spends each year. When state and local expenditures are included, total annual government spending now surpasses \$2.5 trillion. That's more than \$23,000 of government for every household in America. In constant dollars government spends twice as much per household as it did in 1960—though most Americans believe that government services have deteriorated since then.

With the \$2.5 trillion government spends each year, you could purchase all of the farmland in the U.S. (market value: \$725 billion), plus all of the stock of the 100 most profitable U.S. corporations today (\$1.6 trillion). You would then still have just enough money left to pay the advance on Newt Gingrich's book deal.

All of this points to one conclusion: The budget that Bill Clinton is presenting today is not lean; it is not efficient; it is not frugal. It is a monstrosity. It should be greeted with heaps of ridicule and scorn. No matter how you stack it, \$1.6 trillion is a whole lot of money—even in Washington.

Mr. HATCH. That article lists how much \$1 trillion really is.

As I look at the President's recent budget, the way deficit cuts are calculated by the administration is like a 200 pound man claiming he lost weight when he weighs in at only 300 pounds because he thought he would be 400 pounds. Only in Washington can an increase be called a cut, and that is precisely what is happening.

The Daschle motion to recommit has rightly been called the right-to-stall proposal. It purports to put off the requirement of a balanced budget until Congress actually achieves a balanced budget, by adopting such a budget plan.

Mr. President, this proposal purports to give Congress a constitutional right to stall the requirement of a balanced budget by mere failure to balance the budget. Mr. President, the very reason we need a balanced budget amendment is because Congress has failed to balance the budget for decades. The Daschle right-to-stall amendment would make that abject failure of responsibility the explicit condition of avoiding the acceptance of that responsibility. If there is a better manner to lock in business as usual, a better way to constitutionalize or borrow and spend status quo—our ever-steeper slide into the debt abyss—I admit I cannot think of it.

Think of it, Mr. President, the proponents of the right-to-stall amendment want to use Congress' historical inability to balance the budget as a reason—a constitutional reason—to deny the American people, to deny future generations, the requirement they want to force Congress to act responsibly, get its fiscal house in order, and live within its means. Talk about a recipe for inaction. The right-to-stall proponents say "if Congress cannot balance the budget, they should not have to." They say, "if Congress has been

and is unable to balance the budget in the absence of a balanced budget requirement, we should not impose a balanced budget requirement on it." Is this what the American people want? Do they want Congress' failure to fulfill its responsibility to be a reason to drop the requirement? Does this even make any sense?

Mr. President, I do not think so. If someone borrowed money from you, would you forgive the debt simply because they had not repaid it or had no plan to do so? I do not think so. If someone were dangerously overweight, would you suggest they not resolve to go on a diet because they did not yet have a full and particularized diet plan? I do not think so. When the Framers established the Congress in article I of the Constitution, did they first require that all subsequent legislation be disclosed before ratification? I do not think so.

Mr. President, the "right-to-stall" amendment confuses the difference between choosing rules and making choices within the rules. This distinction was elaborated by Prof. James M. Buchanan, a Nobel Prize-winning economist in a letter to the editor in yesterday's Wall Street Journal. I would like to quote it because I believe it points up a basic fallacy in the reasoning of the objection of the right-to-stall proponents. Professor Buchanan says:

The essential argument [of the Daschle amendment proponents] against the balanced budget amendment reflects a basic misunderstanding of the difference between a choice of rules and choices made with rules. The Clinton-Democratic argument suggests that proponents of the amendment should specify what combination of spending cuts and revenue increases are to be implemented over the seven-year transition period. This argument reflects a failure to understand what a choice of constitutional constraint is all about and conflates within-rule choices and choices of rules themselves.

Consider an analogy with an ordinary game, say poker. We choose the basic rules before we commence to play within whatever rules are chosen. Clearly, if we could foresee all of the contingencies beforehand (for example, how the cards are to fall), those of us who know in advance that we shall get bad hands would not agree to the rules in the first place. Choices of rules must be made in a setting in which we do not yet know the particulars of the within-rule choices.

Applied to the politics of taxing and spending, the constitutional amendment imposes a new rule of the game, under which the ordinary interplay of interest groups-majoritarian politics will generate certain patterns of taxing-spending results. By the very nature of what rules-choices are, outcome patterns cannot be specified in advance.

The opponents of the proposed balanced budget amendment should not be allowed to generate intellectual confusion about the difference between choices among vs. within rules. There are, of course, legitimate arguments that may be made against the amendment, but these involve concerns about the efficacy of alternative rules, including those that now exist, rather than a specific prediction of choices to be made under any rule or choices made during the transition between rules.

That was James M. Buchanan's letter to the Wall Street Journal on February 6 of this year.

Mr. President, Professor Buchanan is right. Proponents of the balanced budget amendment recommended a rule change. Opponents argue against the amendment on the basis of either possible choices under the new rule which could hurt well-organized special interest groups or the failure to specify which well-organized special interest groups will be hurt under the new rule. Either objection is, as Professor Buchanan points out, intellectually confused as an objection to the new rule. The proponents do not advocate any particular outcomes, just a new way of making those choices. That is what we proponents feel. The right-to-stall motion offered by the Democrat leader does not move the debate forward.

In fact, Mr. President, the Daschle right-to-stall amendment is nothing more than a way to stop Congress from adopting the resolve to force itself to act responsibly and balance the budget and live within its means in the future.

Now, the opponents point to President Clinton's tax plan of 1993 as the great epitome of budgetary courage we should follow. But, Mr. President, that was no plan to balance the budget. I would ask my colleagues, did the 1993 tax bill balance the budget? Does the President propose a path to a balanced budget? Just look at the President's budget released this week. It projects \$200 billion yearly budgets as far as the eye can see—and that is the best case scenario with the most optimistic assumptions. There is no budget balancing leadership here.

As a matter of fact, there are pundits now saying in the press that the reason the President has done that is because he wants the Republican Congress to have to make the cuts so that he can then criticize them for making them. I certainly hope Congress will pass a balanced budget constitutional amendment. We will have to.

Those who offer the right-to-stall proposal seek to distract us and the Nation from the clear principle of a balanced budget requirement by starting the budget battle before the rules are established. They either seek to divide the strong coalition who supports the principle by the implementing details which can and should change with the national priorities over time; or they hope to be able to say, once such a budget plan is adopted, that we no longer need the amendment. Either way this is simply a distraction tactic to stall the amendment and protect the status quo.

Mr. President, those who say we can balance the budget without the balanced budget amendment are the ones who should show us how they propose to do it. They are the ones who say, regardless of history, we can balance the budget now, without a rules change.

The President has not done it, and he is against the balanced budget amendment. And neither will those who are

against it here on the floor. But I continue to ask in vain, how do they propose to do it, Mr. President? Why should we trust they will do better under the status quo than they have for the last 26 years?

Mr. President, I ask again: What is their budget plan to reach a balanced budget? If you read this one, the administration recent budget, it just throws in the towel and says there will be \$190 billion-plus deficits every year for the next 12 years. Is this the plan that they want?

Mr. President, their plan is no plan at all. Their plan is more of the same. It is preservation of the status quo. It is the old order. We are saying it is time for a new view, a new order, where we start living within our means. The only way we are going to get there is if we change the rules of the game so that there are incentives to get there.

The beauty of this balanced budget amendment is it does not force us to get there, but it gives us the incentives to get there. That is something we need to do.

Mr. President, the administration's type of budgeting will not do. Is this their plan? Mr. President, their plan is no plan. Their plan is more of the same.

We should adopt the binding resolve to accept our responsibility, and then fulfill it. We should not avoid responsibility on the ground that we have so far failed to act responsibly. We should not be able to deny the American people and future generations the responsible rule of fiscal discipline on the grounds of our historical lack of discipline. And, Mr. President, the correct way to proceed is the way of the Dole need-to-need proposal, which suggests that if President Clinton and his allies succeed in defeating the balanced budget amendment once again, they should have to show us how to balance the budget without the amendment. And if they are going to make this argument that we ought to show them before we set the rule in place, then where are their ideas on how to do it without the rule in place?

Let us take the first step first. Let us get our house in order by adopting the balanced budget amendment.

Finally, let me go back to this chart one more time. This red line happens to be our current national debt, \$4.8 trillion. These green blocks represent how much that debt has now gone up above the \$4.8 trillion each day that this debate has been going on. We are now in our 9th day of this matter and we have gone from an \$829,440,000 increase in this \$4.8 trillion deficit on the 1st day to the 9th day, where we are at \$7,464,960,000. So every day that this debate goes on, and every day that we do not have a balanced budget amendment, we are going to continue to increase the debt.

Last but not least, with the President's budget, over the next 5 years we will have the deficit go up \$1.3 trillion more.

So you have the idea. It is time for this fiasco to end, for us to pass a rule called the balanced budget amendment that will put some mechanism in place to get us to move in the right direction so that we can save this country. We

cannot allow this country to go into a fiscal bankruptcy through monetizing the debt and paying off our debts with worthless dollars. We have to pass this balanced budget amendment now. I hope our colleagues will do it.

I notice the distinguished Senator from Vermont has been waiting. I yield the floor.

THE PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, the Senator from Utah, of course, was a trial attorney, as was I and the distinguished occupant of the chair. I listened to his debate. I recall some of the trials that I was in. I recall some where we were ending up having long trials on contracts. Usually, what brought us there was the fact that somebody had said at one point, "Sign this contract. You do not have to read all of the print in it. Let us hurry up and get this going because time is wasting."

Then, later on, of course, we were in a long trial trying to figure out just what somebody had signed away.

Basically, my good friend from Utah is saying that time is wasting. Sign this. He, of course, says it is a rules change. It is a lot more than that. We are amending the Constitution.

We are the most powerful nation on Earth. We are also the most powerful democracy history has ever known.

No other country has achieved, in economic or military power, the diversity the United States has. No other country has even come close to such a clear and concise Constitution as we have. We have only amended it 17 times since the Bill of Rights.

Yet, in the past few weeks, since the elections last fall, we have had 75 proposals to change the Constitution. Can you imagine, Mr. President? We were able to keep on somehow as a country for 200 years, amending the Constitution only 17 times since the Bill of Rights; but somehow America has so changed in the last 4 months since the elections in November that we have to have 75 new constitutional amendments? I really cannot accept that.

I say to my good friend from Utah that when he speaks of the amount the debt has gone up, and that if we pass this, somehow the suggestion is that it would stop—well, the balanced budget amendment, which is far more than a rules change, which does not say how we are going to get there, says that in the year 2002, whoever might still be standing will somehow come up and miraculously balance the budget. It does nothing to stop this increase in debt.

In fact, I point out that during the 1980's, incidentally, during the 6 years that the party of the chairman of the Judiciary Committee controlled the U.S. Senate, they, along with the President, nearly quadrupled the national debt, more than the debt that had been piled up over in the previous 200 years, including two world wars. During that 6 years, they were in control and quadrupled the American debt.

In fact, when you look at how much the debt is piling up today, virtually all of it is interest on the debt they

piled up during those 6 years. We spend nearly \$500 million every working day just on interest on the debt that was piled up during those halcyon days of the 1980's.

President Clinton was the first President since I have been in the Senate who actually had a budget which, 3 years in a row, has cut the deficit. President Clinton is the first President to cut the deficit for 3 years in a row since President Truman. He would actually have a balanced budget if he was not having to find money to pay for the interest on the debt run up by his two Republican predecessors. I do not say that to be partisan but simply to set the record straight.

In fact, one of the local dailies in Vermont, the Burlington Free Press, has a cartoon in today's paper. It shows a rather rotund person flying through the congressional Chambers, little wings flapping away. He is smoking a big cigar, and he has a thing on his shirt that says "Balanced Budget Amendment." And here are all these eager, young Members of Congress clapping and clapping, saying, "If you believe in fairies, keep clapping, keep clapping."

That is what the balanced budget amendment is about.

Frankly, Mr. President, I would like to know more of what we are going to do if this passes. We can look at how much debt is piling up. This debt will keep piling up to the year 2002, I am afraid, even if we pass this, unless we have the will to vote to actually cut the deficit. The only Presidential budgets that have cut the deficit have been those President Clinton has submitted in the last couple of years—with no votes on the Republican side of the aisle to actually bring down the deficit. The Republican side of the aisle voted to quadruple the debt when they were in control of the Senate and when they had the Presidency. Not one of them voted to bring it down.

We overwhelmingly passed a bill against unfunded mandates. But the balanced budget amendment may be the biggest unfunded mandate of all time. It ignores the two fundamental principles underlying the reasons we are against unfunded mandates: The Federal Government should not shift burdens onto the States without paying for them; and to protect against such shifts, we have to examine the unintended consequences of Federal actions on State and local governments.

The nonpartisan Congressional Budget Office has estimated that Congress has to achieve \$1.2 trillion in deficit reductions if we are going to balance the budget by 2002. If we are going to do that, all of us know it is going to affect local and State governments.

Unless we carefully balance the budget, the balanced budget constitutional amendment could be a disaster for the States. I do not support the balanced budget amendment, but I assume it is going to pass. I worry about what it will do in my own State. If we look at some of the ways we could have cuts, we can do across-the-board spending

cuts, for example, and that avoids having to make the choices needed to balance the budget.

But the Treasury Department looked at this, in answer to a question from Governor Dean of Vermont. They said that assuming Social Security and defense cuts were off the table—and the Republican majority said they are—then the Treasury analysis predicts cuts in Medicaid, highway grants, welfare, and other Federal grants in Vermont that would total \$200 million. If we wanted to offset these losses, Vermont would have to increase State taxes by 17 percent.

They also looked at other States. New York would lose over \$8 billion in Federal grants, resulting in a State tax increase of 17 percent to make up the difference. California would lose \$7.7 billion in Federal grants, resulting in a State tax increase of 9 percent to make up the difference. Texas would lose over \$4 billion in Federal grants, resulting in a State tax increase of 14 percent to make up the difference. Louisiana would lose \$2 billion, resulting in a State tax increase of 27 percent to make up the difference.

In another study, the Center on Budget and Policy Priorities estimates that by 2002, Vermont would have cumulative cuts in Federal aid to the State and local government of \$1 billion due to the balanced budget amendment. We are a very small State; others would lose a great deal more.

The Children's Defense Fund has estimated what the balanced budget amendment would do to children. Children do not vote, children do not have PAC funds, and children do not have political influence; but children are going to really feel it. In Vermont, 4,850 babies, preschoolers, and pregnant women would lose infant formula under the WIC program; 13,900 children would lose subsidized school lunches; 13,750 children would lose Medicaid health coverage. The other 49 States would, of course, have similar losses.

So House Joint Resolution 1, the balanced budget amendment, may become the super silent unfunded mandate. I know what is going to happen in my State. We will do everything possible in our churches, our synagogues, our private organizations, to pick up the difference, but the State will ultimately have to pick up a great deal of it. It may not pick up all of it. To do so would require 17 percent in higher taxes. I do not believe that would happen. We would find a lot of the children, pregnant women, and others left off the rolls. At the same time, Vermont taxes would go up.

Basically, it is the ultimate budget gimmick. It is the easy, feel-good budget gimmick. We do not have to make any hard choices. We can just pass this and say we did our bit, and guess what? In the year 2002, a Senate and House

full of angels will stand up here and somehow do everything that we are unwilling to do and, of course, what they will do is simply pass it on to the States and the local communities.

We have passed the buck to the States before. Federal aid to State and local governments fell sharply in the 1980's, at the same time we were quadrupling the national debt. In fact, during that time, in my State of Vermont—I suspect as in most other States—State and local taxes went up to make up the difference.

So let us talk to the States and tell them exactly what is in here. I support Senator DASCHLE's amendment. We should let the States know what the details are; and if they know what the details are, then those who do support this balanced budget amendment can work in conjunction with them to ratify this constitutional amendment.

What I am afraid of is we are going to pass this, and everybody is going to go home and say, "Look what we did," and instead of the checks in the mail to the States, the bill will be in the mail.

I would note that almost every weekend when I go home, I have a lot of people come up to me when I am pumping gas in my car, shoveling snow, in the grocery store or just walking down the street to pick up a paper, people come up to me and say they favor this amendment, but only if they know what is going to be in it. They want to know the effect of this constitutional amendment before it is passed.

And in Vermont, we are no different than the rest of the country. CNN did a poll that said 74 percent of those surveyed support the right to know. The Los Angeles Times found it was 80 percent. They surveyed the whole Nation. Eighty percent of Americans want what Senator DASCHLE is suggesting in his amendment. Let us know what is in the balanced budget amendment.

I said before that when I practiced law and a client would come in with a contract that had some big type and a whole lot of little type, I would say: You go ahead and read the big type. You do not need a lawyer for that. You need a lawyer to read the small type. That is the "gotcha" kind of type. The effect of this amendment are the small type, the "gotcha. The big type is the balanced budget amendment. We could put that on a bumper sticker. "We balanced the budget," whoop-de-do. It means that someone in the next century, the next millennium, will then stand up and make the hard choices.

But what we should do is say we are going to at least tell you what is involved in this amendment, where the cuts are, what the states are going to have to do. Then, if the Congress and the States want to amend the Constitution for the 18th time in nearly 200 years after the Bill of Rights, then go

ahead and do it. If it is that important, then do it.

But do not sell the American people on the idea that suddenly, if we just tamper with this Constitution, the real contract with America, we are going to solve all our budget problems. Do not tell the American people that after 200 years of the most powerful, diverse democracy in history, a democracy that has existed with only 17 amendments to the Constitution since the Bill of Rights, that suddenly we need these 75 amendments, including this one, to make us a real democracy.

We are the envy of the rest of the world. Every emerging democracy looks at our Constitution to see how to do it. And we should not allow that to change.

So does the debt rise each day, even as we debate? Of course, it does.

But I would point out there are a lot of people who stood on this floor during the 1980's, when the other party controlled the Senate, as they do now, and voted for one huge—one huge—deficit after another. President Reagan proposed them and then President Bush did. They quadrupled the national debt.

There are only seven of us left in this body who voted against that, and I am one of them. Ironically, had we been listened to, we would have a balanced budget today. Instead, our deficit today is about what we are paying for the interest, legally obligated interest, on that debt of the 1980's.

So next time we talk about doing this by slogans, let the reality at least come up even with the rhetoric, and the reality is a lot different than the rhetoric.

Mr. President, I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I thank the Chair and I thank the distinguished Senator from Vermont for his statement. I also thank the manager of the bill for yielding the floor at this time.

Mr. President, I intend to take the next hour or so, maybe a bit longer, to try to lay out the case for at least letting the people know what might be entailed in a balanced budget amendment.

But let me try to put this balanced budget amendment in a broader context. We will shortly get into a lot of numbers, because if you are going to deal with the balanced budget amendment, you have to get into numbers. However, before we get into those numbers, let me try to establish what I think is the proper context for the balanced budget debate.

During the 1992 campaign, the Clinton campaign had a theme song by Fleetwood Mac, called "Don't Stop Thinking About Tomorrow." This song

represented a kind of theme for the campaign—change, hope, “don’t stop thinking about tomorrow”; tomorrow is coming, think about it, it is important.

Yet, if you actually thought about that song and you thought about what has been happening in the country, it is clear that we have not been thinking about tomorrow and we have not been thinking about tomorrow for a long time.

Every speaker needs a text, or theme, for his or her statements. I would like to take as the text for my remarks today one of Aesop’s fables. It is an old fable. All of us knew it when we were children. This is about the grasshopper and the ant. The fable goes like this:

It was wintertime. The ants’ stored grain had gotten wet and they were laying it out to dry. Along came a hungry grasshopper and asked them to give him something to eat. One of the ants said, “Why didn’t you gather food in the summer like us?” The grasshopper replied, “I didn’t have any time. I was busy making sweet music.” The ants laughed and said, “Very well, then, since you piped in the summer, now dance in the winter.”

The moral of the story: In everything, beware of negligence if you want to escape distress and danger.

Now, that is the Aesop fable. It is a pretty clear message: If you do not work in the summer and put the food away, you are not going to have the food in the winter.

And I think that it basically is saying that not thinking about tomorrow means being negligent, acting like the grasshopper instead of the ant. Too many of us, I think, have been grasshoppers for too long, not thinking about tomorrow.

Let me just give you a couple of examples. Let us just think about urban America. Each year it gets poorer, more violent, more populated with families in distress. If we stopped to think about this reality, the reality that is there, we would be compelled to act because of the morality. If you are your brother’s keeper, you have to walk your talk. Because of self-interest, I mean, we are never going to compete and our living standards will be lower with a larger and larger unskilled population on our collective backs.

And as for world leadership, how are we going to lead the world by the power of our example after the events that occurred in Los Angeles a couple years ago which popped across television screens from Tokyo to London? Or where 40 percent of the people in America who wanted to vote were denied this basic right because they were not registered.

Clearly, on this issue, Mr. President, we have not been thinking about tomorrow. If we were thinking about tomorrow, we would see the human and national tragedy that is building in our cities and we would act to change those conditions. But we have not.

Like the grasshopper, we have been playing our sweet music in the suburbs, while things have just gotten worse in the cities.

Then, Mr. President, there is the plight of our children. Not just poor children, but all children. How can we say that we are thinking about tomorrow but continue to neglect our children?

In 1975, one-third of married couples with children had both spouses working. By 1993, that percentage had doubled, as nearly two-thirds of all married couples with children had both spouses working. It is no mystery as to why that is the case. Without the second paycheck, many families just would not make it. Yet with it, their children are often alone and without supervision from an early age.

Parents in this Chamber and in this institution know the pressures. Certainly I know the pressures. Certainly the distinguished Member from Vermont in the Chair knows the pressure. Certainly the staff knows the pressure. Certainly those who are listening know the pressures. If parents are lucky, they have a loving relative living in the neighborhood who can help take care of the children. If you are upper income, you can hire somebody to provide full-time care. If you do not have a relative in the neighborhood or you do not have enough money, then it becomes a little more difficult.

There are only a few possible answers to this. For a spouse of either gender to have the option of staying at home, the salary of the spouse that continues to work outside of the home has to be a lot higher than it is now, or companies are going to have to give family leave that is measured not just in weeks but in years, or everyone will have to pay more taxes so Government can subsidize day care at the company, union, neighborhood center, the church, the synagogue or the mosque.

Those seem to me to be the options. The only given, the only imperative, is that someone has got to provide loving care for our Nation’s children. Too often, this does not happen. We have not given child care a priority. Like the grasshopper, we have been dancing toward winter. Not facing the reality that is staring everyone in the face. We have not been thinking about tomorrow.

So, Mr. President, there is urban America, the plight of our children, but by far, probably the best obvious example of our failure to think about tomorrow is the enormous debt that we have amassed over the last 12–14 years. It is not only public debt. Between 1980 and 1987 consumer credit increased 90 percent. People under economic stress did not consume less, they borrowed and consumed more. And they borrowed and in some cases to speculate. However, in 1989, 1990, 1991, the bubble burst and it was over. People cut back, businesses started to pay debt down and, gradually, the private sector began to come back.

Here in Washington the bubble has never burst. It just keeps getting bigger and bigger. The national debt went from about \$800 billion in 1980 to about \$4.5 trillion by the end of 1994. Over the next 5 years, unless we change our ways, the debt will exceed \$5.5 trillion. Over 58 percent of all personal and corporate savings go to finance the interest on this debt.

It is as though in 1980 you owed about \$10,000 on the credit card and now you owe \$43,000 and the interest you have to pay is money that you do not have to spend on your kids’ college education, to buy a house, to buy a car, to put an addition into your factory and hire more workers. People do not have the money and they cannot borrow it because it is being sucked up by the Government to pay interest on the debt.

In other words, Mr. President, we have placed the burden of our irresponsibility on the backs of our children. Someone once said democracies are pretty good dealing with today’s problems, but sometimes they are not very good thinking about tomorrow. By amassing this debt and passing this burden onto our children, I believe we have shown that we are not very good thinking about tomorrow.

So, Mr. President, this brings us to the question, “What do we actually do about this debt?” I will not talk about remedies for urban America or child care. This is a balanced budget amendment debate, a debate about Federal spending. Therefore, today I would like to focus the rest of my remarks on the Federal budget and what do we can do about this debt. I would also like to point out how facing reality means actually facing the numbers in this budget.

First, Mr. President, we will take the analogy that we often hear—that is, the family household. Every family manages its income and the Federal Government has things way out of whack. A giant deficit—that does not happen in a family, at least not for very long. However, before we begin with this analogy, we need to think about what a budget is. A budget is not a snapshot of what happened yesterday. It is a guess about what is going to happen in the future. It is not a picture of what happened last year with respect to spending or taxes, it is a guess about what will happen in the future on spending and taxes.

We will take it to the household level. You sit around the kitchen table, trying to figure out what will your budget be for the coming year. What is the first thing you do? You figure out what is your income likely to be. Some basic questions come up. Are you going to work? Am I going to work? Is he going to work? How many people in the household are going to work? How many incomes are we going to count? Do we count the husband and the wife? How about the teenage son? Is that the family income? Do we count the husband, the wife, and the wife’s older sister who is living with the family? Is

that counted as income? What is the income? That is fairly central to devising a budget. What is the income that we can count on?

Second, there is the issue of growth. Well, do you anticipate, will there be bonuses in the year? Will you work overtime? Will you get a raise? Will the company, because it is doing well, give you a 15 percent increase? All of these would provide more income. Each family has to figure these out in an effort to decide what is likely to happen. Each family also has to figure out where are prices going. What can we afford? What should we spend our income on? Last year you might have spent  $x$  on food; what will it be this year? What will the price of food be? If there is inflation, if there is a crisis in the coffee market and you have to buy coffee and it goes up three times from the cost of last year, suddenly you have to deal with inflation. It increases prices. It also has the effect of increasing taxes, often. It pushes you into a higher bracket. Less so at the Federal level, but more so at the State level.

Then there is interest. How do you calculate your interest expenditure? You could say well, I have a variable rate mortgage. I got that variable rate mortgage at 9 percent and during the last couple of years interest rates had been going down. Interest rates were down around 7 percent. However, in laying out a budget, each family has to think about how much it will pay next year. Maybe interest rates will go back up. If the Federal Reserve continues on its current path, clearly the interest rates will go back up and that means more pressure on the family budget. With a variable rate mortgage, the family will have to pay more in interest charges to pay back the bank.

So every family, Mr. President, when it makes a set of budget decisions, has to figure out what is the income coming in, and what it is going to spend money on. The income depends on how many people are working and depends on whether you think times are good or times are bad. Will you get a raise? Are interest rates going up? What is the inflation rate going to be? How much can I actually spend? How much can I actually buy? These are factors in any kind of household decision.

Mr. President, these types of factors apply equally to the Federal budget. Let us assume that you miscalculated on your variable rate mortgage and you have to pay 1 percent more in interest because the rates have gone back up. Well, if you are the Federal Government and you miscalculate your interest on your projected budget, you add \$20 billion to the deficit that year alone.

If a family is counting on the income of one of its members, that family will have a big problem if that family member loses his or her job. Similarly, in the country as a whole, if a number of people unexpectedly lose their jobs, we will have a big problem: a much bigger deficit. Just a 1-percent increase in un-

employment, adds \$60 billion to the Federal deficit.

What about growth? Let us assume that our economy grows 1 percent less than we predicted. This small change in the assumptions adds \$32 billion to the deficit. These are aspects of budget policy that change in the course of a year. If unemployment is higher, that costs the Government more. If inflation is higher, that costs the Government more. If interest rates are higher, that costs the Government more. If growth is lower, fewer people have a chance to work, less money is earned, and the Government receives less revenue and pays more in benefits. All of this adds to the deficit.

So let us begin this by simply laying these points out that when you do a budget, you are basically making a projection and the projection is affected by things that are out of your control in your household. For example, there are plenty of people in this Congress who know the Federal Reserve's efforts to raise interest rates are out of our control. These things, over time, will have an impact on your family's budget, just as they have a dramatic effect on the Federal budget.

Let us discuss for a few moments what is the Federal budget. What I want to do today is to lay out clearly what is the Federal budget. What do we spend taxpayer's money on, and where do we get these funds. Every year we debate a budget resolution, 50 hours equally divided. Our colleagues get up, read their opening statements, and a couple hours are already gone already. As a result, despite the debates, I am not sure that the American public gets an opportunity to fully understand what is in the Federal budget. If we are going to consider balancing the budget, I think the American public should know what is in the budget. They are entitled to know what things are likely to be cut or what taxes will be increased. You cannot decide what things will be cut or what taxes will be increased until you know what is in the budget and how the Government raises the money to pay for its spending.

So let us go with the basic point, a very basic point. The expenditures of the Federal Government in 1994 were roughly \$1.5 trillion. The revenue, the total of all taxes that have been collected, are \$1.3 trillion. Because the \$1.3 trillion in revenue was less than what was spent, we ended up with a deficit, an annual deficit, of \$200 billion.

It would be important to know what are the taxes? Where does the Federal Government get its \$1.3 trillion? Who pays the \$1.3 trillion? Taxes are broken down into the following categories:

The individual income tax is, in total, 43 percent of all revenues, and it raised \$545 billion in 1994. Now remember, we spent \$1.5 trillion. The individual income tax raises \$545 billion.

The next largest set of taxes is what are called social insurance taxes. Those are the Social Security taxes, the FICA

tax, and unemployment insurance collections. Of the \$460 billion that was raised with social insurance taxes, \$430 billion of that was the Social Security FICA tax. Everybody has it deducted from their wage statement each pay period. The total of that is \$430 billion. Unemployment insurance taxes made up the remaining \$30 billion.

So you have individual taxes, social insurance taxes, and corporate taxes. Corporate taxes raise \$140 billion a year. All of the corporations in America pay in total \$140 billion a year.

And then you have a category called other, which totaled \$60 billion. That consists of essentially estate taxes. You die, you pass on your estate, you pay a tax on that; customs duties, you import something into the United States, you pay a tariff or a duty. Those taxes equal \$60 billion.

And then finally, the smallest amount of total taxes are the excise taxes, like the gasoline tax and the cigarette tax, which raise approximately \$55 billion.

So in total, the U.S. Government raised \$1.3 trillion in 1994 —\$545 billion come from the individual income tax; \$460 billion come from the Social Security and unemployment insurance taxes; \$140 billion from all of the corporations in America; \$60 billion come from estate and gift taxes; and \$55 billion come from the gasoline tax, cigarette tax, and other excise taxes.

So that is it, that is where the money comes from. That is the money that the Federal Government has to spend from taxpayers. Total: \$1.3 billion.

Now the question is, What do we spend this money on? Well, first, I would like to give you a quick overview, and then I will provide a more detailed explanation.

Broadly speaking, there are three big categories of Federal expenditures.

In total, the expenditures are \$1.5 trillion. One of the three main types of Government spending is on what are called mandatory expenditures. Mandatory expenditures are really expenditures for which Congress does not appropriate a specific amount of money every year. Instead, we write into the law certain eligibility rules and benefit levels. For example, if you are over 65 and have made certain minimum payments into the system, you are entitled to Social Security benefits. If you are poor, you may qualify for certain benefits to help you meet a minimum income level. Or, if you are a veteran, you may be entitled to other benefits. These are mandatory expenditures that automatically flow to eligible recipients. The total amount of mandatory expenditures is \$790 billion. In other words, nearly half of the Federal budget is for mandatory expenditures.

Next are the discretionary expenditures. These total about \$545 billion. This amount includes spending on things such as national defense, education, housing, transportation—\$545 billion. These are discretionary expenditures, meaning that Congress, if

it wants to, every year can change that amount. It does not have to appropriate that amount of money, unlike a mandatory spending which occurs almost automatically. A discretionary expenditure is the Federal Government deciding whether it wants to spend a specified amount each year on national defense or education.

The third category after mandatory and discretionary spending is interest—interest on the national debt. Last year, we paid roughly \$205 billion in interest on the national debt. As the debt has grown—especially since 1980—the more we have paid in interest, because the more you have to borrow, the more people you have to pay interest to those who have loaned you, the Government, money.

Now, an interesting caveat about interest is that when the Government collects all of those taxes, the first call on these funds, the first place that money has to be spent is not defending the Nation or feeding children or providing for education or building highways or sending money to Social Security recipients. The first place that money has to be spent is to pay those bondholders who have loaned us money. So right off the top, \$205 billion goes to people in this country—and others—who buy Government debt, people who have enough money to buy Government securities, Treasury bills, Treasury bonds, people who are not spending all of their money every year just to get by, but rather people who have enough money to buy Government bonds. The more we have to pay in interest, the more that interest flows to those bondholders.

So in terms of total expenditures, you have \$790 billion in mandatory spending, \$540 billion in discretionary spending, and \$205 billion in interest payments.

Mr. President, this is a rough overview of the Federal budget: where the revenues come from and where they go. What I would like to do on the spending side—because we are discussing a balanced budget amendment, and the American public should know how this budget is going to be balanced—is to take a closer look at Federal spending so that we can determine what Federal spending must be cut in order to balance the budget.

First, let us look again at the mandatory spending programs, again about half of all Federal spending. These funds go to eligible recipients at preset benefit levels—at a total of \$790 billion worth of benefits.

Well, what is this \$790 billion spent on? First, we need to make one distinction on the mandatory programs. Some mandatory spending programs flow to everybody who is eligible. Others flow only to those who have lower income; in other words, means tested and non-means tested. Take the biggest mandatory program, Social Security. Social Security is not means tested. Everybody in America who meets certain age and contribution requirements, gets

Social Security. If you are a millionaire and you worked 30 years and paid into Social Security, you receive these benefits, just as the guy that worked in the GM plant in Detroit or in the neighborhood drugstore who paid Social Security for 30 years. In fact, these folks all probably get the same amount. It is not a means tested program.

The next largest mandatory program, Medicare, is the same thing. If you are over 65, you are eligible for Medicare. The Federal Government will pay your health costs under the provisions and rules of the system. If you are a multimillionaire and you check into a hospital and you stay several days and you have a hospital bill of \$10,000, send it to Medicare. It is a non-means-tested program. This means that a millionaire gets the same amount of money as somebody, a husband or wife, who worked for 30 years, gets sick, goes to the hospital, and needs that same \$10,000 treatment.

Then there are other mandatory programs. You take \$25 billion in unemployment benefits. If you are unemployed in the United States, you are eligible for unemployment compensation. We have had that in place for 50 years or more. It is one of the things we learned from the Great Depression. Because we have an automatic stabilizer, we are less likely to have as deep of a recession. We are all better off if we have an automatic stabilizer, this one being unemployment compensation, because the economy then will not go down so far. People will at least have enough money to buy some food or begin to keep themselves until they get another job.

We also spend \$70 billion automatically each year for the civilian and military pension and disability systems. Every member of the military, every member of the Federal Government who has a retirement plan pays into that plan, and that plan then pays benefits. Last year, those benefits were \$70 billion.

Then there is Medicaid. Medicaid is a means-tested program. This means that if you are dirt poor in America and you get sick and you go to the hospital, somebody is going to take care of you. And because somebody takes care of you, somebody has to pay, and the Federal Government will chip in its share if the State agrees to pick up some part of the cost as well. But it is a mandatory spending program based on income, and it accounts for roughly \$80 billion in annual spending.

Now, in this category of other mandatory spending are such things as food stamps—again, means tested. If you are poor, you are eligible for this type of assistance. This is \$25 billion.

Supplemental security income, again, goes to the poorest, overwhelmingly elderly, overwhelmingly female population, who just cannot get by without some assistance. In addition, there is child nutrition which totals about \$7 billion.

So the mandatory portion of the Federal budget is the amount of money that flows simply because of certain eligibility criteria—you are over 65 and eligible for Social Security, you are over 65 and eligible for Medicare.

Thus, \$460 billion of mandatory expenditures, nearly one-third of the whole budget, goes to people over 65 who have paid into the Social Security and Medicare systems throughout their lifetimes. You are eligible, regardless of income, if you have paid into the system. The other areas of mandatory spending are Medicaid, food stamps, supplemental security income, retirement, and unemployment benefits.

So when we talk about cutting the Federal budget and we decide that we are not going to touch any entitlements—meaning the mandatory spending—we have to realize that this leaves a much smaller portion of the budget and this remaining portion will have to cut a lot more to balance the budget. But to cut those mandatory expenditures, we would have to change the eligibility rules and we would have to change the benefit levels. We could say that you have to be poorer to get food stamps or Medicaid, or we could say that you have to pay more, if you are above a certain income level, for Medicare. But we would be changing the rules. That is the way that entitlements would be cut.

Mr. President, let us look for a moment at the next biggest chunk of Federal expenditures. First, we have mandatory expenditures. Now we have approximately \$545 billion of discretionary expenditures. This is the money that the appropriations committees appropriate every year. The tax dollars come in. The appropriations committees meet, and they decide that this program or that program merits funding. What do the appropriations committees spend \$545 billion on? Overwhelmingly, the money in discretionary programs is spent on the national defense. It is \$280 billion a year out of the total of \$545 billion which is spent on discretionary programs.

What are the other big discretionary expenditures in addition to national defense? You have \$40 billion for education, training and social services. This includes education for the handicapped—it used to be that if you had a child that was autistic, the child had no chance of getting into any school anywhere, and had no chance of going to the public school. Now because of a Federal program for handicapped education, we are able to challenge that child and develop that child's potential.

In addition, there is transportation spending, primarily for mass transit, highways, and airports. There is spending for income security which is essentially housing assistance.

There is also spending to support Government activities which cost \$30 billion. This amount is basically what it costs to run the Federal Government. Of this \$30 billion, the Congress

accounts for \$2.5 billion. The other Government activities include running the Department of the Interior, the Park System, the FBI, keeping guards in our prisons, and making sure that the IRS collects taxes. Some people do not like that. But spending for these, and other, Government activities represents what it costs to run the Federal Government, \$30 billion out of \$1.5 trillion.

In addition to all of this is foreign aid. Foreign aid—for both humanitarian and security assistance—represents \$20 billion out of \$1.5 trillion.

So discretionary spending is divided among defense, education, training, social services, transportation, income security, Government activities, foreign aid, and other domestic non-defense programs.

Mr. President, there is a point that should be made on discretionary spending. I have implied that discretionary spending is whatever the appropriations want to spend money on. That is true. Yet, since 1991 this spending has been capped. We have said by law that the Congress and the Government cannot spend above a certain amount. It has been capped. As we discussed earlier, inflation is not capped. Inflation continues to eat away at the purchasing power of American families, and it continues to eat away at the purchasing power of Government.

So when you cap spending programs, all \$545 billion in discretionary spending, that means it will buy less. Essentially the caps on discretionary spending shrink in real terms what this will buy, by about 9 percent between now and 1998.

There are no caps on mandatory spending; no caps at all. How could there be? You do not know how many people are going to be unemployed. You do not know how many people are going to be poor. You do not know how many people are going to qualify for the mandatory spending programs. However, for those things that the Congress and the Government have direct control over, there has been a cap since 1991. You can argue the caps should be lower. But there has been a cap.

With the next chart I would like to demonstrate how Federal spending has changed over the years. Back in 1963, a long time ago, discretionary spending represented 70 percent of what the Federal Government spent. Entitlements—the so-called mandatory expenditures, such as Social Security—represented 22 percent. Net interest represented 6 percent. In 1965 we added in Medicare and Medicaid, and in 1972, we indexed Social Security. In 1973, discretionary gets a little smaller, entitlements get a little bigger. In 1983, entitlements have grown to 45 percent of the budget and discretionary has dropped. But 1983 was, of course, 2 years after the Reagan defense buildup and tax cut and the start of gigantic deficits. So interest rates and the amount we spent on interest are higher.

In 1993, suddenly entitlements are up to 47 percent. Discretionary expenditures are down to 39 percent. It is projected that if current law continues, by 2003 mandatory spending—those things we talked about earlier, such as Social Security, Medicare, income security—will eat up almost 60 percent of the budget, and interest will be almost 14 percent. And all of the rest of the money that the Government spends, such as for transportation, education, and defense, will be 28 percent of the budget.

So, Mr. President, what clearly we see is that over the years those mandatory portions of spending have increased dramatically. So dramatically that, by 2003, interest payments on the debt will equal almost half of all discretionary spending.

Mr. President, I think that it is important here to talk about another kind of spending, and that is essentially what I call off-budget spending through the Tax Code. You have \$1.5 billion of Federal expenditures. We talked about that already. And we raise \$1.3 billion through all taxes. If you recall, we raise \$545 billion from the individual income tax. But, of course, the income tax does not apply to everybody in the same way. You would think that under an income tax system the same rules and rates would apply to everybody. No, no, no, not the case.

Over the last several years, much to my own distress, we have returned to aggressive spending through the Tax Code, meaning we tell people that if they simply do this activity, they will pay less in taxes. Some of these activities that we tell people will lower their taxes have been long established in the Tax Code. If you buy a house and pay mortgage interest, that interest is deductible, so you pay less taxes because you have mortgage interest. If your employer pays health insurance premiums for you, those premiums are not included in your taxable income. If you have a pension plan that builds up, or investment income building up, you do not pay taxes on those. If you pay State and local taxes, like property taxes and State income taxes, you deduct those and you do not pay Federal taxes on them. The more taxes you pay, or the bigger your pension plan is, or the more generous your employer-paid health benefits are, or the bigger your mortgage interest is, the less you pay in taxes.

Those are some of the well-known, biggest tax expenditures. And then there are, of course, the little special ones that are not used by the vast majority of Americans. These are not in the Tax Code because of a particular public policy reason—whether flawed or not—but because a lobbyist had a way to insert into a tax bill a special exclusion for a particular category of people. For example, I do not know how many people in America know that if you rent your home for 2 weeks a year, you do not pay any income tax

on that income. That is a special exclusion. It costs \$50 million a year in foregone income. How did that happen? Well, the story goes that a guy who had a big house close to the Masters Golf Tournament also had a friend on the Finance Committee. During one of those late night sessions, the friend slipped in an amendment to a bill which said if you rent your house for 2 weeks a year, you do not pay any income tax on that income. This is not going to help me and probably will not help a lot of other people, if they are living in your house. But if you have a big house next to a big international event, you might make a little money.

How about the \$12 million a year that we use to essentially subsidize the production of some of the most toxic chemicals and minerals in the world? On the one hand, you have the Federal Government telling people to take asbestos out of the schools and workplaces. We have ads on television about lead contamination telling how it makes our children's intelligence lower than it otherwise should be. Meanwhile, you have the Tax Code telling people that if you mine asbestos or if you mine lead, you pay less tax.

Mr. President, the point is that \$545 billion is raised from personal income taxes. But that Tax Code that sets rates is riddled by exceptions to those rates. And because of all those exceptions, the people who use those exceptions end up paying less tax and the rest of us end up paying a higher rate of tax than we otherwise would have to pay. And the question is raised, since this is a balanced budget amendment debate, how much would revenues be if we did not have any of those loopholes? We have had a little debate about a flat tax led by Congressman ARMEY on the other side. If we did not have any of those loopholes, how much more money would the Federal Government raise? The answer is \$455 billion a year. In 1986, we trimmed this amount back dramatically. Since then, it has exploded. It is one of the fastest growing Government programs and accounts for \$455 billion a year in tax expenditures.

So, Mr. President, you can see if you had a deficit of \$176 billion—as is projected for 1995—if you simply trimmed a third off of the tax expenditures, you could eliminate the entire budget deficit. Earlier we talked about mandatory spending, discretionary spending, and interest on the debt. Now, we have seen that we also spend off budget through the Tax Code.

Mr. President, if I could, I think that it helps to get a picture of how these deficits have changed over time. I have interns who come into my office thinking that the deficit is a little like oxygen. They would not know how to exist if the deficit did not exist. It has been there their whole lives.

People say that the Federal Government has always run a deficit. Are politicians not always spending more money than they have? Are we not always living beyond our means as a

Government? Well, the answer to that question is absolutely not. In the 1940's and 50's, Harry Truman had a few surpluses. Dwight Eisenhower had surpluses in a couple of years. In fact, Lyndon Johnson had a surplus in 1969. As hard as that is to believe, they collected more than they spent. No depressions occurred in the late 1940's and early 1950's. No depressions occurred in the mid-1950's. In the early 1960's when we had a tremendous economic boom, the deficit was minuscule, and the debt was minuscule, and policymakers were thinking about tomorrow.

But the story changes in 1980. And we all know that story—defunded Government, dramatic tax cuts. A lot of the hotels in this town were built after 1980 because the Federal Government said in that tax bill, "If you build this hotel for \$20 million, you can write \$1.5 million off a year of income taxes." We gave depreciation in 15 years on structures that were going to last 30 and 40 years. So a lot of lobbyists decided they would become hotel investors and pay no tax.

We also were going to trade tax benefits from one corporation to another corporation. We also gave dramatic individual income tax cuts, 30 percent across the board, and defunded Government.

At the same time, we began a massive defense buildup—not to say we should not spend more on defense—but unlike Lyndon Johnson in the 1960's, Ronald Reagan in the 1980's did not finance his defense buildup. And as a result of these facts—a dramatic decrease in tax revenues, a dramatic increase in defense expenditures, and a continued growth of mandatory spending—the deficit took a dramatic turn for the worse.

In the 1940's, 1950's, and 1960's, not much of a deficit; there was even a surplus in some years. But then what happened in the 1980's? Well, you can see what happened. Here is the passage of the tax bill, around August 1981. See what happens to the deficit? It starts going up and up, and soon becomes over \$200 billion. It only took a couple of years for the national deficit to grow larger than the whole debt of the country in the previous 15 to 20 years.

The deficit then dropped a little in 1984, came back up in 1985 and 1986, and then dropped significantly for 1987 and 1988 due to cosmetic and process changes such as the Gramm-Rudman Act, which arguably kept things under control for a short while. But the deficit then exploded again after 1989, and kept rising until 1992. As a result, from 1980 to 1992, the national debt of this country grew from \$800 billion to \$4.3 trillion. Is that thinking about tomorrow? Hardly.

Since 1992, what has happened? Because of the 1993 deficit reduction package, the national deficit has dropped dramatically.

My point here is simply that these deficits have not always been a part of

our history. They are a part of bad public policy, and they have placed a gigantic burden on the backs of our children. And if we do not face up to this burden all of our tomorrows will be darker than they otherwise would have to be.

And it is also important to note that these deficit figures actually mask the seriousness of the problem. This is because we have been using the surpluses that are accumulating in our trust funds to hide the true size of the deficit in the rest of the budget. Because of changes we made to Social Security in the mid-1980's, this program now raises more funds than it pays out. Prior to 1983, Social Security was a pay-as-you-go program. Money would come in, stay a few months, and immediately be paid out to eligible recipients. But in 1983, we changed the program so that it would start accumulating surpluses, so we could supposedly guarantee that there would be enough money there for my generation when we retired. But right now we are actually spending these surpluses, by borrowing them to pay for deficits in other parts of the Federal budget. And, Mr. President, if action is not taken to stop this practice, the Federal Government will borrow an additional \$636 billion from the Social Security trust fund between 1996 and 2002. So let us be candid about that.

So, once again, Mr. President, here is the history of our national debt. The situation was pretty good during the late 1940's and 1950's, with surpluses under both Truman and Eisenhower. Under Kennedy and Johnson we had solid fiscal policy. Under Nixon, Social Security was indexed and high inflation began. This inflation accelerated throughout the decade, and was accompanied by oil shock repercussions, but the deficit still remained relatively under control, with the national debt less than \$1 trillion. But the 1980's heralded the sudden arrival of tax cuts, increased defense expenditures, and out-of-control mandatory spending, which have led to today's debt of nearly \$5 trillion.

Mr. President, that is a cautionary tale. What would the ant say to the grasshopper if at this point the grasshopper said, "Let me come in from the cold into the house that you prepared, because you were not spending beyond your means"? The ant would say, "Play your sweet music in the summer, dance in the winter. You're on your own." Unfortunately, this is the position we all find ourselves in as a result of this profligate activity.

Mr. President, how do we make this situation real to people? How do we get them to understand? It is such a complicated issue. People do not want to think it through. They want to sound bite it. They want to have a quick answer. They want to believe if they vote for the balanced budget amendment they do not have to make any of these tough choices about cutting spending.

Mr. President, that is the furthest thing from the truth.

Think of it this way: If the average taxpayer's share of Federal spending and revenues were arranged in the form of a credit card statement, it would look something like this table entitled "Uncle Sam Says Charge It."

Mr. President, the first line shows the balance due. Take the national debt, divide it by all the taxpayers in the United States, and the result is that every taxpayer in this country had a debt of \$37,838 at the start of this year. Each one of us. That is just to get to where we are right now. Each one of us has to pay that debt. And it is getting larger all the time. So the first line shows the outstanding balance. As you can see, at the start of 1994, it was \$37,838.

But what about Government spending during 1994? Well, we ran a big deficit again, about \$200 billion, in that year. How did that break down for each citizen of the United States? Well, each citizen is spending about \$4,000 per person on Social Security; about \$2,400 for national defense; about \$1,900 for income security and welfare; about \$926 for health; about \$389 for education, training, and employment programs; \$313 for agriculture and natural resources; \$320 for transportation; and \$133 for the administration of justice.

Now, that comes to a total of about \$2,273.

What about the money that we have taken in, per person? Well, average, this totaled about \$4,700 in income taxes, \$3,700 in Social Security taxes, and about \$2,484 in other forms of payments to the Government, such as customs, estate taxes, and excise taxes. This comes to a total of \$10,932 for each taxpayer. Compare this to total spending per taxpayer of \$12,700. The result is \$1,765 added to the credit card bill of every taxpayer—and remember that this is added on top of the \$37,838 that every taxpayer owes from previous years.

Now, Mr. President, what happens in this kind of situation? We cannot continue down this path. Something has to give. About 3 years ago, the distinguished chairman of the Budget Committee, the Senator from New Mexico, and I asked the General Accounting Office to tell us what would happen if we do nothing about this deficit situation. They came back with a report that said if we do nothing, every one of our income will be 40 percent less than it otherwise would be by the year 2020—40 percent less.

That is understandable, given all the money which must be sucked in from the economy just to pay interest to bondholders, in order to keep financing our \$5 trillion in national debt. None of that money is available to create jobs, pay raises, buy cars, or purchase homes.

Things have changed since that GAO report. If we recall the last graph, the deficit came down in 1993. We took action in 1993, passing the biggest deficit

reduction package in history. But there is still an awful lot to do.

So, Mr. President, having discussed what is in the federal budget, we now come to the more difficult part. We clearly need to reduce the deficit, but the question is, What are we going to do to cut spending? Let us start by asking how much spending cuts will be needed in order to balance the budget. If we do not implement the tax cuts that are included in the Contract With America, we would need to cut on average \$922 for every resident of my State. If the contract tax cuts are enacted, then this number rises to about \$1,265.

What does this mean? These are vague numbers. All the budget debates eventually turn into numbers, and people turn them off. What is the real impact of cutting \$922 or \$1,265 per person in New Jersey, and of making similar cuts in other States? What does this mean in terms of the Federal spending that we have talked about?

Given our current fiscal policies, balancing the budget would require a 13-percent cut in every spending program—13 percent. The question is, Are we willing to tolerate cuts in every one of those programs? Are we willing to take a 13-percent cut in Social Security? Are we willing to take a 13-percent cut in the national defense? Of course, we cannot take a 13-percent cut on interest. The bondholders get paid, regardless.

However, if Social Security is off the table, and everybody in this Chamber has given speeches that have resonated across America promising that there will be no cuts at all in Social Security, then the size of cuts needed in all other programs goes up to 18 percent. Take Social Security off the table, and everything else is cut 18 percent. Medicare, defense, grants to State and localities, and all other spending—18 percent.

Let us carry this a little further. I know no one in here wants to make the United States vulnerable, even in the post-cold-war world. So in addition to taking Social Security off the table let us take defense off also. And remember that interest is automatically off the table because we have to pay the bondholders. If we say that there are to be no cuts in any of these three areas, then the remaining programs are subject to across-the-board cuts of 22 percent. And if the tax cuts outlined in the Contract With America are implemented, then the level of cuts needed to balance the budget rises to 30 percent. That would be a 30 percent cut in all non-Social Security entitlements, including Medicare, and in every other existing program except Social Security and defense. That would mean a 30-percent cut in grants to state and local governments. It would require that we cut areas such as investment in infrastructure and unemployment compensation by 30 percent.

Now, Mr. President, it is not really likely we will cut 30 percent of the FBI or 30 percent of the Immigration Serv-

ice or 30 percent of the Internal Revenue Service or 30 percent of Federal prisons or 30 percent of military pensions or 30 percent of veterans programs. To be honest, we will take certain things off the table in the same way that Social Security and defense will be off the table. We will have to take these other programs off the table as well.

As a result, the cuts in the other programs are going to be even deeper. This means cuts of over 30 percent in Medicare, State and local grants, environmental programs, automatic stabilizers like unemployment compensation, and many other programs. What would cuts of at least 30 percent mean to these remaining programs? Well, in 1993, Medicare payments to doctors were approximately 40 percent less than private-sector payments. Imagine cutting them by at least another 30 percent. And cutting back on many of the other programs would be penny-wise and pound-foolish. We could cut back on programs for early childhood but end up paying more later for prisons.

Mr. President, going to this next table, what if we decided to cut grants to State and local governments? We give them \$200 billion a year. The Federal Government gives it right to the States, many of whom are advocating the balanced budget amendment. Well, going after those grants for States, what are they for? Highways, airports, and other forms of transportation spending total 11 percent, or over \$20 billion in Federal spending. Then take education, training, employment and social services, such as the handicapped education program, special education, foster care. These total about \$25 billion in Federal spending, or 16 percent of grants to State and local governments. Cut it. What about income security, welfare, section 8, school breakfast, WIC, nutrition, and related programs—these total 24 percent. Cut it. Medicaid is 40 percent. Cut it.

So say that we cut all these programs that go to States, and in doing this we balance the budget. Then the State has to make the decision: Does it increase taxes, or does it forget about the education programs, the health programs, the housing programs?

So, Mr. President, what would significant cuts to States and localities look like? As I said, grants to States and local governments totaled \$200 billion in 1994. In New Jersey, we received about \$6 billion in Federal grants. This money funded a significant number of programs. Roughly 40 percent of the Federal funds went to health, 16 percent to education, 24 percent to welfare, and 11 percent to fund transportation.

On average—this is an important point—on average, Federal grants to support programs administered by States comprise 25 percent of all State revenues—25 percent. Remove those.

This is money that Governors have to spend—States get more money from the Federal Government than they raise with the personal income tax, more money than they raise with the general sales tax, more money than they raise with any other kind of taxes. If the Federal Government eliminated this 25-percent contribution, it would either lead to a dramatic increase in State or local taxes or else essentially eliminate many of these programs.

I think people have not really focused on what the impact of this will be. I know that people in this body have not focused on impact, but I guarantee you the State legislatures will. In my State of New Jersey, only about 20 percent of our State budget comes from the Federal Government. We have a diverse State, with a broadly based economy and rapid growth. New Jersey is quick to rebound from recessions, heavily export oriented, dramatically changed from manufacturing to services, and it has a very flexible work force with very talented people. The Federal Government gives us 20 percent of our State revenues.

This percentage is a little different in other places: in Arizona, it is 30 percent; in Michigan, 30 percent; in California, 34 percent; and in Idaho, 32 percent. This raises a very interesting question. Your people send tax dollars to Washington. They get dollars back from Washington, in terms of Federal expenditures.

My State has the second-highest income in the country. We pay a lot of taxes, because a lot of people with high income pay taxes. We do not have a lot of big defense expenditures in the State. We do not get back much relative to what we give the Federal Government, but a lot of other States do pretty well. For every dollar that New Mexico sends to Washington it gets back \$1.96; Mississippi gets back \$1.63; West Virginia gets back \$1.45; North Dakota, \$1.41; Virginia, \$1.38. What do these figures mean? They mean that more Federal dollars are being spent in these States than are being sent to Washington from those States.

So here we have the West, the site of some of the strongest supporters of the balanced budget amendment. In the West, the Federal Government still plays as big a role as the Governor plays; for example, in Arizona, 30 percent of State revenues come from the Federal budget; the percentage is 32 percent in Idaho; 34 percent in California. Some of these States are owned by the Federal Government. Ninety percent of the land in Nevada is owned by the Federal Government; 1 percent of the land in New York is owned by the Federal Government. I think 9 percent of the land in Michigan is owned by the Federal Government; 90 percent of the land in Nevada is owned by the Federal Government.

So the point, Mr. President, is that if we are going to cut spending and we are going to do it across the board 30

percent, then those States that are getting more money back from the Federal Government than they are contributing are going to be disproportionately cut. It is not only going to be poor people who are going to be affected. So you might want to look at some of the other ways to raise revenue.

For example, right now we have public lands all over the West. Let us say I want to mine gold. Well, I pay about \$500 to \$1,000 max. I go in and mine the gold, and I do not pay the Government anything, I do not owe the Government anything. If we are asking individuals to pay more in taxes or we are cutting money to help them send their kids to college, do you think we might want to ask some of the mining companies to pay more if they mine minerals on public lands?

So the advocates of the balanced budget amendment have to understand the disproportionate impact that these cuts or additional revenue increases will have on their respective States.

So, Mr. President, I think that the analysis makes two points very clear, and they are that we have to balance the budget for the sake of our children's long-term economic prospects and that doing so is inevitably going to be very painful. What looks like a cheap move or an easy move here—cutting back that State and local Government transfer—will translate into, in some cases, higher taxes in many States.

Finally, as much as it is necessary to reduce the deficit—and it will be a bitter pill for the country—I think that it is absolutely essential that we do so. Trying to rush a balanced budget amendment through the Congress without a thorough discussion of how the budget will be balanced is, in my view, unfair and undemocratic.

So a lot of those Western States are probably going to have second thoughts when they look at the numbers. Alabama, with about \$2.38 on every dollar, is going to look at it and have a second thought. The amendment will have dramatic effects on the lives of American citizens and every one of these citizens has a right to know what these effects will be before their elected representatives are asked to vote on this issue.

Mr. President, I have heard an awful lot of people saying, particularly States: Oh, you ought to balance your Federal budget; we want the balanced budget Federal amendment.

And yet, Mr. President, Governors do not have to balance their budgets in the way we have to balance our budget here in Washington. Governors have the right to, and in many cases do, have capital budgets, which means that instead of raising taxes and spending money, they simply borrow from these bondholders that we are borrowing from to create a Federal deficit, except when they borrow, it does not count in their State because they have a capital budget. I do not know about all States,

but if you look in total, public indebtedness has dramatically increased at the State level.

So, increasingly, what the State governments are doing is the same thing the Federal Government did in the 1980's except they do not need a balanced budget amendment because they have simply defined the problem away. What if we had the same capital budget at the Federal level that exists in most States, mine included? Do you know what portion of the Federal budget would be included as a capital budget? And that includes all physical infrastructure, defense and non-defense, and all education programs. Do you know what that would be? \$225 billion. If we simply defined our Federal budget as most States do, in one stroke of the pen we would have no Federal deficit this year. We would have a \$25 billion surplus.

So when Governors tell me that they want to have a balanced budget amendment, I say to them: Give me the same capital budget. Give me the same capital budget you have, and we will have a surplus.

So, Mr. President, I think before we get a vote on the balanced budget amendment, we ought to have the specifics. I have spent almost 2 hours here today laying out what this budget is. The proponents of the amendment have not stepped forward and told us what they are going to cut. Which of the mandatory programs are they going to cut? Which of the discretionary programs are they going to cut?

I have a suspicion that there might be another game going on here. I do not mean to cast aspersions on anyone, and I do not. But my guess is that the other side will not take my suggestion of defining the problem away with a capital budget. A capital budget would make a lot of sense. It would be like State governments. I mean it would be like most businesses that have a capital budget. It would be like most families. You have mortgage interest. You have a mortgage on your house. You are in debt. But you can make your debt payments. You do not have to pay the whole thing immediately. Everybody in America has debt. The question is how you manage the debt and, most importantly, how you structure the debt.

Let us make a reform: a capital budget. Then we have a surplus. Then we have a surplus. That is a change that I could certainly support.

I am concerned there is going to be another approach, though. I already see it rumbling out there. And that is going to be to redefine CPI, saying that the deficit is not as big as you think it is because we have exaggerated inflation. Inflation is really lower, and if you calculate it in this different way, we will save \$150 billion over 5 years just like that, so the deficit is much less.

Well, to those who are contemplating this, I would simply say beware, because—I am almost inviting the people

to do this—the result is you pay about \$21 billion in higher taxes every year if you do that. Why? You pay \$21 billion in higher taxes because we have indexed the rates. But if you understate what inflation is, then people are going to be pushed into higher rates and pay more taxes. And about \$28 billion less, in terms of less benefits, will go out because the CPI is calculated at a lower level. That is my fear.

If you really wanted to come out of this with significant reform that would be right to every legislator, it would be to implement a capital budget, take Social Security out and focus on the operating expenditures.

My hope is that, before this is over, at least we will have a chance to think about that. If we are serious about cutting the budget, at the minimum why not do it on a basis of some principle as opposed to lobbyists mud wrestling? Why not say, look, here is the deficit. We looked at this gigantic budget deficit we have. We have to do something about it. We are tired of being grasshoppers. We want to start to be the ant. We want to start to think of our future. We want to start thinking of tomorrow.

What we are going to do, maybe what we will say is, "What principle could we use?" Well, we have a principle for liberals and a principle for conservatives. If we join the two principles, we might actually have a way to proceed here. The principle for liberals would be, I would say, well, why not make income a principle? You get a Federal benefit up to a certain income level. Above that level you get less or you get none. Why should the millionaire who goes to the hospital get the same payment from Medicare as my struggling uncle who went to work every day in the lead factory for 40 years? Why should that happen? Why should a wealthy farmer who makes \$3 million a year get the same farm subsidy or the same water subsidy that a struggling family farmer with 600 or less acres such as in the great State of Iowa or even the cotton farmers in Arizona gets? Why should it be the same for the millionaire as for the average person? Well, that is one principle. Maybe make income a criterion.

The other principle, for my conservative friends, would be to ask: How about the market? Everybody talks about the market. Yes, we want the market to allocate resources. Well, great, get the Government away from the market. Let the market allocate the resources. Cut the budget by eliminating all these subsidies that impede the function of the market.

If we join those two, having a principle of income and a principle of no subsidies, then you would have a way to proceed and explain to people why we are cutting this and not that. Otherwise, it is going to be that the agriculture people are stronger than the mass transit people, who each have their lobbyists trying to figure what

levels of subsidies are there going to be.

So, Mr. President, as I tried to demonstrate today in this talk, it is not going to be easy to cut the Federal budget. It is not going to be easy at all to balance this budget. It is going to require bigger cuts in expenditures than anyone has heretofore contemplated. And as we proceed, if we proceed, I hope we will have not only a suggestion from the proponents of the amendment as to how they would balance the budget, but I think also those who oppose it might raise specific questions of how they would reduce the budget deficit. I believe that reducing the budget deficit is an imperative, second only to getting growth started in our economy. That is a big debate. What comes first, growth or deficit, savings or investment? I think you have to first get growth; second, reduce the deficit, and reducing the deficit has the potential of improving the prospects for growth. It requires some tough choices.

Mr. President, to go back to the cautionary tale, we are living in a time when the grasshopper and the ant continue to look at each other across the great divide. The grasshopper says to the ant, the ant that has worked all through summer and put food away for the winter, "Please, please, Mr. Ant, let me come into your warm home in the winter."

And the ant says to the grasshopper, "What did you do all summer?"

"I made sweet music."

"If you make sweet music in the summer, you die in the winter, and you are on your own."

More and more are we saying that. And more and more have we acted as the grasshopper and not the ant. Less and less have we thought of tomorrow. As I hope the last hour and a half has made abundantly clear, less and less have we thought of tomorrow with regard to our urban centers, with regard to our children. It is about time we start thinking of tomorrow and tell the truth to the American people.

I yield the floor.

REPLY TO SENATORS LEAHY AND BRADLEY

Mr. HATCH. Mr. President, I would like to take this time to briefly respond to certain contentions made by Senators LEAHY and BRADLEY regarding the balanced budget amendment. These contentions fall into several categories: First, that the balanced budget amendment does absolutely nothing to balance the budget; it is an unenforceable gimmick; second, that the deficit is the result of the Reagan administration; third, that President Clinton's deficit program effectively deals with the deficit program; and fourth, that the balanced budget amendment is the largest Federal unfunded mandate program to date and will be ruinous to the States because it forces the States to assume the cost of Federal social spending programs. Each of these contentions are either false or widely exaggerated.

BALANCED BUDGET AMENDMENT IS  
UNENFORCEABLE

Senator LEAHY's assertion that the amendment is an unenforceable gimmick that does nothing to balance the budget, is both wrong and misleading. Of course, the amendment does not balance the budget by itself. But neither does the first amendment protect free speech nor the free exercise of religion by itself. The balanced budget amendment, similar to most of the Constitution, establishes a process, a mechanism to effectuate governmental power and obligations. The amendment establishes a limitation on Congress' taxing, spending, and borrowing power that furthers the goal of a balanced budget.

Moreover, the notion advanced by opponents of the balanced budget amendment that it is a paper tiger—that Congress will flout its constitutional authority to balance the budget—is simply wrong. First, the amendment has sharp teeth. It is self-enforcing. Because, historically, it has been easier for Congress to raise the debt ceiling, rather than reduce spending or raise taxes, the primary enforcement mechanism of House Joint Resolution 1 is section 2, which requires a three-fifths vote to increase the debt ceiling. This provision is a steel curtain that will shield the American public from an all ill-disciplined and profligate Congress.

Furthermore, Members of Congress overwhelmingly conform their actions to constitutional precepts out of fidelity to the Constitution itself. We are bound by article VI of the Constitution to "support this Constitution." I fully expect fidelity by Members of Congress to the oath to uphold the Constitution. Honoring this pledge requires respecting the provisions of the proposed amendment. Flagrant disregard of the proposed amendment's clear and simple provisions would constitute nothing less than a betrayal of the public trust. In their campaigns for reelection, elected officials who flout their responsibilities under this amendment will find that the political process will provide the ultimate enforcement mechanism.

WHOSE FAULT IS THE DEFICIT

Both Senators LEAHY and BRADLEY claim that the current deficit is the work of the Republicans—particularly former President Ronald Reagan. They claim it was the massive defense buildup of the 1980's along with the Reagan tax cuts that led to the present day deficits. In President Reagan's words, "Well, there they go again."

In reality, one thing and one thing only has led to our massive deficits, Congress' voracious appetite to spend and spend. During the 1980's, the Reagan tax cuts stimulated the economy and led to the largest peace time boom in American history. About 20 million new jobs were created and revenue increased by about \$1 trillion. The problem was that Congress, whose constitutional authority it is to oversee and legislate the budget, spent \$1.4 trillion.

In fact, it really doesn't matter whose fault it is. This is a bipartisan problem with fault enough for both sides of the aisle. Let's stop pointing fingers and work together.

Senator BRADLEY, who presented a very detailed and erudite exegesis of the budget process—I wish more of my colleagues were present on the floor to see it—hit the nail on the head when he stated that the real problems of the budget shortfalls is the mammoth growth in entitlement spending and payments on interest on the debt. He even seemed at times to make a case for passage and ratification of the amendment since he must concede that Congress, without a balanced budget amendment, has been wholly ineffective in resolving the budgetary crisis.

Furthermore, both Senators proudly point to President Clinton's deficit reduction plan as some kind of solution to the deficit problem. But they neglected to mention one simple thing—that after a small drop in the deficit for the first few years of the plan—the deficit continues to rise, surpassing \$200 billion in 1996, reaching the record level of \$297 billion in 2001, and topping \$421 billion in 2005. Even the President's new budget plan fails to resolve the deficit problem as it averages about \$200 billion deficits for each year of the budget plan.

BALANCED BUDGET AMENDMENT AS AN  
UNFUNDED MANDATE

Finally, both Senators LEAHY and BRADLEY contend that passage and ratification of the balanced budget amendment will act as an enormous fiscally crushing Federal unfunded mandate, forcing the States to assume responsibilities for social spending that the Federal Government has shouldered for years. This statement is the mother of exaggerations. First of all, it does not take into account that many of these Federal programs come with inflexible bureaucratic strings attached and oftentimes hamper localities resolve economic and social problems. Indeed, many Governors, including Governors Wilson of California, Allen of Virginia, Whitman of New Jersey, and my own Governor, Governor Leavitt of Utah, have publicly stated that they will gladly take the decrease in Federal proceeds due to a Federal balanced budget for control over how moneys are spent in States and localities. I truly believe that the States and localities will be far more efficacious in how money is spent without Big Brother Federal Government looking over their shoulder.

Of course, passage and ratification of the balanced budget amendment will require sacrifices, sacrifices from all of us. But the returns on a balanced budget are enormous—increased economic growth and more and better jobs. Indeed, as Senator SIMON often cites, GAO estimates that a balanced budget in the late 1990's will result in a 33-percent increase in the standard of living in about 10 years. I bet Senators LEAHY

and BRADLEY did not take this into account.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa.

#### THE PRESIDENT'S FISCAL YEAR 1996 BUDGET

Mr. GRASSLEY. Mr. President, the issue of constitutional amendment for a balanced budget that has been before us for a week and probably will be before this body for several more days before we make a final decision has had the debate on that issue intertwined pretty much with the present budget situation and even lately with the budget that the President has presented to this specific Congress.

The President's budget of yesterday reflects an abdication of leadership. It fails not only to put the budget on a glidepath toward balance, it also fails to seek even the President's own goal and promise to the American people. That promise, if you remember, Mr. President, was as stated in the 1992 campaign that the deficit would be cut in half by the 1996 election. That will not be the case under the budget that the President has presented to Congress.

So I am overcome by the farcical vision of how this budget must have been sent up here to Capitol Hill. Members of the President's team lined up on Pennsylvania Avenue and punted. They punted copies of that budget up here one by one.

On January 24, after the President's State of the Union Address, I had occasion to remark when I was asked about his address that it seemed that the President was very willing to accept the leadership of Congress and to follow our agenda because he recognized the outcome of the election. That election gave Republicans the responsibility to lead. Today, through his actions, the President confirmed my suspicion and submitted a budget that says, "Let Congress make the tough choices. Let Congress lead."

According to reports, several of the President's high-level advisers counseled that, since the administration has failed to get credit from previous deficit reductions, there is little wisdom in trying to cut more. I hope that this is not the case. For, if it were true, there would be no clearer signal of the absence of leadership from this administration.

Just last month administration officials were boasting about their achievements on the deficit front. They were bemoaning the fact that the message of what they supposedly have cut and accomplished on the deficit scene was not getting out.

So why are they now abandoning what they consider a virtuous policy instead of working to get that message out, if they want to be viewed with any sort of credibility? Because in my estimation, in abandoning their goal of more deficits, the administration has

also abandoned its promise to the American people and, as a consequence, the President has lost all moral authority to lead.

Clearly, this President has chosen to play defense; that is, after the punting of the budget to us, they are now saying "You"—meaning Republicans—"call the plays, now. It is your turn with the ball and let us see if you can do any better." We have heard that for a long period of time and just this morning on the floor of this body.

I believe that Congress can do better. For the sake of our children and grandchildren, we can and must do better. The President has followed the lead of the American people who spoke in November. Thus he has passed the mantle of leadership on to us.

With that leadership, the Republican Congress has already delivered on making Congress more accountable to the public and State governments, and now we will work toward making Congress more accountable to our children and grandchildren.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

##### THE DASCHLE AMENDMENT TO THE BALANCED BUDGET AMENDMENT

Mr. GRASSLEY. Mr. President, what the 104th Congress is all about is ending business as usual in Washington. We started out by passing the bill that Senator LIEBERMAN and I introduced to make Congress live by the same laws it passes for everyone else. Then we passed a bill to restrict unfunded mandates.

These proposals represent a change from business as usual. The voters last November demanded a change in business as usual in Washington. And this Congress has delivered. And I am confident that we will continue to deliver.

One of the changes the American people wanted is a balanced budget amendment. They are tired of Congress coming up with clever rhetoric that has defeated this amendment over the years. Now, those same critics want us to spell out on an account by account basis the receipts and outlays for fiscal years 1996 to 2002. The proposal is yet another rhetorical trick designed to let big spenders defeat the balanced budget amendment by people who want no fiscal discipline.

The proposal represents a last gasp by the old guard to continue business as usual. For them, business as usual means a continually expanding Federal Government. The voters have spoken, and the business-as-usual crowd refuses to listen. That is not what representative government and democracy is all about.

We all know that a balanced budget is achievable. I know that our respected colleague Senator DOMENICI, chairman of the Budget Committee on which I serve, is working on a variety of fiscal strategies to show that it can

be done—without touching Social Security. The numbers are clear.

We can limit spending growth to over 2 percent and reach a balanced budget, again without touching Social Security. Under current fiscal policy, Federal spending in fiscal 2002 will be 44 percent higher than this year if we do nothing. By holding growth to 22 percent, Republicans can balance the budget without cutting Social Security or raising taxes. Federal spending will increase under either approach.

But by how much? That is the question. Many of the supporters of this right-to-know amendment think Government spending must double by 2002. Supporters of the balanced budget amendment think Government can get by on approximately \$260 billion more than we are currently spending, but half of what other people think we should spend.

I say that is enough money, taking inflation into account, to balance the budget while still allowing programs to grow. The argument has been made by my colleagues that, in 1993, Congress and the President acted honestly and forthrightly in enacting the fiscal 1994 budget. They say specific cuts and tax increases were spelled out to bring us toward a reduced budget deficit. Now opponents say supporters of this constitutional amendment have a similar obligation to spell out our plan. But the premise of the argument is invalid and the conclusions do not follow.

The 1993 tax bill raised taxes, and it had very few spending cuts. I doubt that anybody outside of the beltway can name a single real cut. The whole premise of the tax bill that the deficit would be cut was fallacious. The President's own budget predicts \$200 billion in budget deficits for the next 5 years if we do nothing. Notwithstanding the 1993 tax bill, the President still projects deficits as high as an elephant's eye.

And so the debt still continues to grow clear up to the sky. The so-called honesty in budgeting of 1993 is a very slender reed on which to base a so-called right-to-know amendment.

In addition to serving on the Budget Committee, I also serve on the Judiciary Committee and I am concerned that the Democratic leader's amendment—another amendment before our body—will be beyond the intent of the Constitution. It says that the amendment shall not take effect until Congress passes a budget reconciliation act.

But article V of the Constitution—that is, the amending article—provides that when both Houses of Congress pass a proposed constitutional amendment, it "shall be valid to all intents and purposes, as a part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress." But the proposal before us would not allow the amendment to be

effective once Congress has passed it and, in this case, three-fourths of the State legislatures having ratified it. Instead, we put a whole new condition on the amendment that we have before us, the amendment to be ratified: The passage of a 7-year budget reconciliation act.

That is not a constitutional convention for the ratification of an amendment. And I think this amendment by the leader of the minority should be beaten.

We have heard it said that if Congress may constitutionally insist as a condition for ratification that the States ratify a proposed constitutional amendment within 7 years, then it is constitutional for Congress to impose a condition such as the Daschle amendment before Congress submits the proposal to the States. This analysis is incorrect for two reasons.

First, the courts have upheld limitations on the ratification process, but no case has ever upheld the imposition of a condition for initiating ratification proceedings once Congress has adopted an amendment.

Second, the Supreme Court has ruled that although it is a political question, article V implicitly requires a contemporaneous majority to ratify an amendment. Thus, a 7-year or equivalent period is a constitutional necessity under the case law. But no such status pertains to the proposal by the Senator from South Dakota.

So, Mr. President, we should pass the balanced budget amendment. We should not adopt the Daschle amendment to that amendment because it is impractical and because it is unconstitutional. The American people want us to end business as usual. They see the so-called right-to-know amendment to be business as usual—a business-as-usual approach, rejected by the people in the November 8 election, a business-as-usual approach rejected by Congress for the first time in 40 years, as we try to bring to a vote all of the things that have been buried in Congress by a Congress controlled for 40 years by the now minority party.

We accept our responsibilities to reject business as usual, with our surveys showing 80 percent support for the constitutional amendment for a balanced budget. It has been before this body four or five times over the past 15 years. Now is the time to pass it.

I yield the floor and the remainder of my time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. BRYAN], is recognized.

Mr. BRYAN. Mr. President, if the Chair and the acting floor manager will indulge me, I ask unanimous consent to speak for 3 minutes as in morning business and to extend the time before the recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ILLEGAL IMMIGRANTS OCCUPYING PUBLIC HOUSING

Mr. BRYAN. I thank the Chair and my colleague from Iowa. Mr. President, I want to call the attention of my colleagues a situation, which I discovered during our recent December recess, dealing with public housing.

Since 1980, the law has been clear that those who are illegal immigrants are not entitled to occupy public housing. So I was somewhat astonished in visiting with a housing authority director in my own State and to have him tell me that in the city of Reno, he would estimate that approximately 10 percent, maybe a little more, maybe a little less of those who occupy public housing are, in fact, illegal immigrants. At the same time, in the city of Reno—and I think this is replicated throughout the country—there are some 500 families waiting to occupy public housing.

So I asked the question, well, if it is illegal for them to occupy public housing, why have you not done something about it? That, Mr. President, is an astonishing story. In 1982, 1984, and 1986, apparently, efforts were made to implement by regulation what the statute establishes by way of policy. Through a series of administrative or bureaucratic delays and obfuscation, in fact, none of these regulations have been implemented.

So currently the housing authority directors in America are told that although the 1980 law remains in effect, you may not inquire and you may not verify the resident status of those persons who seek to make application to occupy public housing. May I say, Mr. President, this is absolutely absurd and ridiculous.

The law says that they ought not to be eligible—those who are illegal immigrants—to occupy public housing. Nevertheless, they are permitted to do so. There is a glimmer of hope. That is, that there is a rule making its way through the Office of Management and Budget, and I urge OMB to implement that regulation immediately so that the policy since 1988 may be carried out.

I thank you, Mr. President for your courtesy and that of the distinguished Senator from Iowa.

I yield the floor.

#### RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COHEN).

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

(Mr. THOMPSON assumed the chair.)

Mr. COATS. Mr. President, for decades Congress has enjoyed the unlimited luxury of unlimited debt. Our practices, which are pleasing for the moment to constituencies that profit from the practice of unlimited debt, have seriously undermined the credibility of this institution with the American people.

Skepticism and cynicism abound. That skepticism and cynicism—directed toward those who have made hollow promises, unfulfilled year after year, perceived to have been made for political purposes—brought about, in my opinion, the results that we saw in the November election. The American people want Congress to be honest and to be straightforward with them, even if it brings some unpleasant truths.

Now, with the passage in the House of Representatives of the balanced budget amendment by a historic 301 to 132 vote, the spotlight has turned on the Senate. As such, we, in a sense, are on trial. Our credibility is at stake. We are debating something of which the American people have become very well aware—the impact, year after year, for 25 straight years, of expenditures that exceed our revenues.

It has become apparent to the American people that we are forfeiting not only our own future but, more importantly, that of future generations and their opportunity to participate in the American dream.

I do not think there should be any argument about the urgency of our circumstances. Every child born in America inherits about \$18,000 in public debt. This unfair burden placed on the future is the result of a failure of political will and it is a betrayal of moral commitments.

It was Thomas Jefferson who noted long ago:

The question of whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of Government. We should consider ourselves unauthorized to saddle posterity with our debts, and be morally bound to pay them ourselves.

“The fundamental principles of Government,” Jefferson noted. What is perhaps the most fundamental of those fundamental principles?

It is the same principle that applies to each person in our individual lives, to our family life, to corporate America, to business America, to virtually every institution. That fundamental principle involves being responsible and accountable to the people we serve, to our employees, to our family members, to ourselves. It means not spending more than we receive and running up a debt to the extent where we have become unable to pay that debt. Or, in paying that debt, we must squander resources that should go for essential purposes and essential services.

That is exactly what has happened here in the United States. We now face a national debt of \$4.8 trillion. Applied across the board per capita that is

\$18,000 for each individual child born in America.

The debt robs people of the opportunity for economic progress. It steals their opportunity to set essential priorities of how they will spend their money. This failure of fundamental principle has led some of the most distinguished Members of this body to leave out of frustration, perhaps, or disgust. These respected Senators lost faith in our ability to act.

As I said earlier, the public generally shares that skepticism. With the House of Representatives now having passed the balanced budget amendment—and I hope the Senate will soon follow—we can begin to recover the trust of the American people. Despite the pleas of constituencies that walk in each of our offices and say, “Yes, it is a problem, but not my program,” I believe the American people instinctively know that we have got to get our hands on this monster that has just grown beyond anybody’s ability to control.

Now, I understand that amending the Constitution is serious business. Perhaps it is the most serious act of which this Congress is capable. It alters the most basic social contract between government and its citizens. The continued accumulation of debt threatens the endurance, the very endurance of that very contract, because it is an agreement not only with ourselves but an agreement with our children.

The constitutional amendment is, admittedly, a strong measure, a strong remedy. Sometimes it is needed, as we have demonstrated in the past. It is needed when the crisis is truly here. And it is truly here.

A General Accounting Office report says that interest payments will exceed \$1 trillion by the year 2020 if we simply remain on our present course. That fact has to be unacceptable to every Member of this body. That continued load of interest on the debt means that we hinder our economy from growth it can provide in jobs and opportunities for Americans. It means that we divert money from essential expenditures that this Congress needs to make while continually taking more money from hard-working taxpayers who need those funds to meet basic individual and family needs.

We borrow at the rate of \$1 billion a day—\$1 billion a day. What could we do in this country with \$1 billion a day to meet essential needs, to return funds, or allow taxpayers to retain more hard-earned dollars, to make decisions for themselves and their family. What can we do with those funds.

So it does come down to a test of will. It does come down to political courage. But this Congress and previous Congresses have demonstrated, to date, that we do not have the political courage or the will because it is simply too easy to take the expedient route, to say “yes” to the constituent groups that might help ensure our reelection, rather than say, “I am sorry. We simply do not have the funds.” We

can say what legislators of 48 States have to say to their constituents. That is, “Yes, I recognize your concerns. I understand the need. But you must understand we have to decide how we will spend our scarce revenue dollars on the basis of priorities. That’s what we are elected to do.”

This body has not had to do that. It has become an all too convenient method of ensuring political longevity and reelection to be able to say “yes” while we ask future generations to pay for that “yes.”

Spending habits of Congress are simply too entrenched. There is an ideology of many Members that has nothing to do with left or right, liberal or conservative, Republican or Democrat. It has to do with power. Power to use the Federal Treasury to please special interests, to make powerful constituencies happy, to ensure our longevity and our reelection.

Deficit spending has always made political sense because it allows Congress to please people in the present by placing burdens on the future. The future, significantly, has no vote in the next election. We have built that power on the ability to buy constituent support for cash funded from debt. That power, it is obvious here, will not be easily surrendered even when we face a crisis of our own creation. Even when the views of most Americans are clear, that power will not be easily surrendered.

Make no mistake, what we are talking about with the balanced budget amendment is surrendering power, power which I contend we have handled irresponsibly. The record is clear. I came to this body, the body of Congress, in 1981. I remember the recoiling of new Members over the prospect of having to vote early on in 1981 to raise the debt limit to over \$1 trillion. I stand here today, a few short years later, and we are looking at the prospect of a \$5 trillion debt.

It is a failure of political will. We all bear responsibility. The question now is, how do we address the problem, given the fact that the crisis is here and we must not continue the past practice of increasing debt and placing the responsibility on the shoulders of future generations—how do we address that? That is the fundamental question.

We have had proposal after proposal, scheme after scheme, promise after promise that holds out the hope that we finally will have summoned the political will and the courage to address the crisis in a legislative manner. Yet the record is clear. Year after year, proposal after proposal, we have failed in that responsibility.

So now comes the moment of truth. Now comes the opportunity for Members to enshrine in the Constitution of the United States—perhaps the one promise none of us dares violate—a mandate to which we will pledge fealty upon our swearing in, a mandate that says, “Thou shalt not spend more than

you bring in.” Such an oath will make honest politicians out of all, honest legislators out of all. Having placed our left hand on the Bible and raised our right hand, swearing to uphold the Constitution of the United States, including the injunction that “We will not spend more than we take in,” we will have to face the music at every legislative session. We will have to look our constituents in the eye and say, “We are sworn to uphold this Constitution, and this Constitution forbids us from going into debt. So your program, your proposal, the additional spending that you seek may be worthy, but it has to be placed among the categories and lists of priorities that we will have to decide each time we meet.”

We will be forced to establish those priorities. We will be able to summon the wherewithal to finally live up to the responsibility that each of us has failed in, and that is to be careful guardians of the dollars that the public entrusts to Members. It will force us to avoid a system which allows Members to transfer that responsibility from the present to the future, and ensure that we do not place on future generations the debts which we are obligated to pay.

The constitutional amendment to balance the budget would transform the nature of our commitment to a responsible budget. It is one thing to vote for a deficit, it is something entirely else to violate the Constitution.

That, Mr. President, I contend is what is at issue here. The constitutional amendment to balance the budget is an opportunity, a chance to leave some legacy other than monumental debt.

I ask my colleagues, many of whom have provided many, many years of meritorious service, what legacy do you want to leave when your time is finished? What legacy, what heritage do you want to pass on, given the service that you have been privileged to provide as a Member of the U.S. Congress? Do we want to leave a legacy of debt which places a burden on the opportunities for this Nation. Do we want to leave a legacy for our children and grandchildren and future generations that denies them the very opportunities of which we have taken advantage? Is that the legacy we want to leave?

I suggest that it is not the legacy we want to leave. I suggest that every other attempt that we have made, every other proposal that we have addressed has not solved the problem or even come close to solving the problem. There has been too much temptation to please the present by shifting the responsibility to the future. We have demonstrated that we are not capable of dealing with it.

So we are almost asking to approve the balanced budget amendment as a way of saving ourselves, saving ourselves from the continued moral failure of being responsible to the very people that we are privileged to represent. Let

us leave a legacy of which we can be proud, a legacy that will ensure for future generations the rights and privileges that we have been so fortunate to enjoy.

The balanced budget amendment is also a chance to restore some needed trust, to prove that the Congress can stand for something other than defense of its own power and its own privilege.

Mr. President, I will have, obviously, many opportunities to speak further on this issue. It is a critical one. We will spend a considerable amount of time dealing with it. There are obviously divisions of opinion as to how we should get from here to there. I look forward to speaking and participating on this issue in the days ahead.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have listened to the closing words of my distinguished friend from Indiana, Mr. COATS. Speaking for myself, I do not want to leave my children and my grandchildren the legacy of a crippled Constitution. I believe that the balanced budget amendment, if adopted, would be an irresponsible act that would cripple this Nation's capacity to cope with the economic problems of the 21st century and beyond.

Does the Senator wish me to yield?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I wonder if the distinguished ranking member of the Appropriations Committee will yield to me for the purpose of making a statement on another issue for approximately 7 or 8 minutes.

Mr. BYRD. Mr. President, as for myself, I have no problem with yielding to the Senator. I do know that Senator BUMPERS has been waiting patiently to speak, and there are others who wish to speak.

I ask unanimous consent that I may be permitted to yield to the distinguished Senator from Montana for not to exceed 8 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I very deeply thank the Senator from West Virginia and the Senator from Arkansas, Senator BUMPERS, who I know wishes to speak.

I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BUTTE, MT

Mr. BAUCUS. Mr. President, today I begin a series of statements about a place that is very special to me, the city of Butte, MT. These statements will focus on Butte's economy, its people, its quality of life, and other special attributes of Butte.

I will begin today by discussing the recent history of Butte's economy.

Butte, MT, is 1 of 13 communities across the Nation under consideration for a new microchip manufacturing plant to be constructed by Micron Technologies.

Now, Butte and Micron may seem to have little in common; after all, why would one of the Nation's leading high-technology companies want to set up a shop in an old western mining town like Butte?

Yet, if you scratch just below the surface, Butte and Micron have a lot in common. Thanks to the basic American values of hard work, patriotism, ingenuity, competitiveness, both Butte and Micron have grown and prospered over the past 10 years. And Micron has done this without shipping jobs overseas.

Many of their managers have told me, with great and justifiable pride, that their corporate philosophy is to grow jobs not overseas but in America. It is exactly that kind of loyalty that has helped the people of Butte rebuild their economy after the loss of the largest employer more than a decade ago.

For over a century, the business of Butte was mining. Butte's first settlers called it "the glittering hill." Later, Butte would be known as the "mining city." At first, it was silver and gold but primarily copper.

While the mining industry flourished, Butte grew and prospered, and some in Butte got very wealthy. Many others made a hard but a decent living in the mines. During the early part of this century, Butte's population rose to nearly 100,000 people, about the same size as today's Billings, MT, our largest city.

With copper prices falling in the 1970's, Butte's once mighty mining industry began to slowly taper off.

Then it happened. The mines closed. This January 7, 1983, headline, a replica, a mockup of the Montana Standard, reads like a death sentence for Butte: "Butte Mining to Stop." There is a big stop sign; a death sentence for Butte, MT.

Hundreds of jobs were lost, direct jobs; over \$32 million in annual payroll disappeared; over \$1 million in yearly tax payments to the local government were lost, and Butte lost a big chunk of its identity—mining. The "mining city" became the "former mining city."

Butte's chief executive at the time was a good friend of mine named Don Peoples. Don told the local paper:

It's like being told that a patient has a terminal illness. You first feel frustration, anger and then sit back and determine how you fight on.

Don's reaction of the news was typical of the spirit, optimism, and loyalty that helped make Butte such a special place.

Yet, there were a lot of other people, most of whom, by the way, do not live in Butte, who counted Butte out. They thought Butte was destined to become

nothing more than a very large ghost town on the western landscape.

But were they ever wrong. Perhaps they underestimated the teamwork and the ingenuity of Butte's leaders, people like Don Peoples, Harp Cote, Joe Quilici, Bob Pavlovich, J.D. Lynch, Judy Jacobson, Fritz Daily, Evan Barrett, Bob Gannon, and Jack Lynch. And I know they underestimated the thousands of other hardworking Montanans who were still proud—fiercely proud—to call Butte their home.

These people were not about to pack up and leave. They were determined to stay in Butte and build a better life for themselves and their families, and they did it. By working together and creating a probusiness environment, they made Butte of 1995 a great economic success story.

There is much, much more to the Butte of 1995 than mining.

The Montana technology companies have earned Butte international recognition as a center for the development, testing, and marketing of new environmental technologies. They have done it themselves in Butte.

Montana Power Co., based in Butte, operates one of the most dynamic utility and energy businesses in the Nation.

Butte's Montana Tech turns up on any list of the best engineering and science schools in the country. For instance, in a survey of college presidents recently published in U.S. News and World Report, Tech, Montana Tech was voted the top ranked small college science program in the Nation—top, No. 1.

Hundreds of new small businesses have grown up and prospered in Butte.

Well, 12 years have now passed since the mines closed. Mining has come back to Butte. With the development of Montana Resources several years ago, Butte can again rightfully call itself the mining city.

In short, if Micron is looking for a good place to do business, Butte is the best place. Its industrious people are the perfect match for Micron's record of growth and productivity.

Over 30,000 Montanans from Butte and southwest Montana have signed petitions urging Micron to locate in Butte. I can only add my voice to theirs by expressing my fervent hope that Micron will become Butte's next economic miracle.

I thank the Chair, and I thank the Senator from West Virginia.

I yield the floor.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. BYRD. Mr. President, today we continue one of the most important debates in the history of the Senate. The debate involves whether to change the basic, fundamental, organic law of this Nation forever, and for the first time

to write fiscal policy into the Constitution of the United States—for the first time, amended only 27 times in its history. The Constitution of the United States is one of the most brilliant, uplifting, and inspired documents ever written by the hand of mere mortals. It has served as a model for other nations, nations that are struggling to emulate the American genius and ensure a government that allows maximum freedom for its people, and yet also fairly imposes the strictures of the rule of law.

Such a document, with its carefully weighted checks and balances, its beautiful guarantees of freedom and liberty, its eloquent preamble of 52 words, and its visionary flexibility has inspired and guided this great Nation of ours for generations.

Now the decision to preserve it for our future generations rests with this body—100 men and women sworn to support and defend this marvelous Constitution against all enemies, foreign and domestic. And the decision rests with us. The buck stops here. I have taken that oath 13 times in the last 48 years—to support and defend the Constitution against all enemies, foreign and domestic. I have administered the oath of office on a good many occasions to several of my colleagues, and I have considered it an honor and a privilege to do so.

This body has a solemn responsibility to debate the proposed amendment carefully, fully, thoroughly and with diligence. Nothing on the Senate's agenda is as important as this proposal. It is the most important decision that will be made in this Senate this year. And if, which God avert, this amendment is adopted, it will prove to have been the most important amendment, the most important change to the Constitution since the Constitution became effective 206 years ago, and it will be the first time out of 27 times that an amendment has been adopted to damage this inimitable document.

Nothing on the Senate's agenda, as I say, is as important as is this proposal. So I say that no politically crafted, so-called Contract With America—you have heard about that, the Contract With America, the so-called Contract With America. Let me show you my contract with America. Here it is, the Constitution of the United States. It cost me 15 cents. There it is—15 cents. Any Senators who wish to get similar copies may do so from the Government Printing Office. It only costs a dollar even at today's prices.

So this so-called Contract With America, which I did not sign on to, and which just sprouted up like the prophet's gourd overnight, during the last election, should not drive this debate or crowd out the thorough consideration of this proposed constitutional amendment.

We have a duty to air all sides before the public, lest there be any misunderstanding about what is being proposed. If we are to adopt this most serious of

alterations to our Constitution, let us not do so without telling the American people exactly what the change will mean to them. Let us not do so without telling the American people exactly, to the very best of our ability, what the change will be to them, the American people.

The debate may be at times tedious. It deals with concepts and truths which are not usually on the public radar screen. But it is our responsibility to focus the public, if we can, on this issue which is so fundamental, so fundamental to the future of our Nation.

And so it is my hope that the Senate and its Members will concentrate their fractured attention spans, clear the decks, and listen to and participate in this extraordinary debate. Now, this is no ordinary bill. It is no mere amendment to a statute. This is the supreme law of the land about which we are talking. We are talking about amending the supreme law of the land, the Constitution of the United States, the supreme law of the land, the guarantor of our freedoms and the freedoms of generations of Americans which we are considering here on this Senate floor. We are considering an amendment to write into the Constitution for the very first time language dealing with fiscal policy. That is a subject which the framers of the Constitution, in their wisdom, left for the decisions of the elected representatives of the people in this body and in the other body.

I hope that we will be guided by at least a limited wisdom of the Framers. There is a kind of pretense that one can read between the lines in this amendment, namely that the statesmen of today are wiser than those Framers of the Constitution who acted 208 years ago to submit to the States for their ratification the great document. I hope that we will reread the solemn oath that we all took when we were sworn in. I hope that Members will listen to their consciences and resist the political winds that have already blown through the other body.

Now is the Senate's time to shine. It can fulfill the task before us, with faithfulness to its purpose, by an exhaustive review of the impact of this proposal. Nothing we do during our collective service in the Senate will ever be more important than this task which is before us today, the task of examining, scrutinizing, dissecting, and hopefully rejecting this constitutional amendment.

The people hopefully will remember one truth as they watch and as we engage in this historic debate; that is, that there is no disagreement over the goal of getting to a balanced budget by reducing the Federal deficit. This debate, however, is about tampering with the United States Constitution in such a way as to mandate a zero deficit each and every year for the life of this Republic—for the life of this Republic—not just for a few years, but for centuries. Who knows? This is an extreme and serious remedy, indeed.

We can change a statute a month after it is enacted, 2 weeks after it is enacted, or a year after it is enacted. A statute can be repealed by the same Congress that originally enacted it. But not so with an amendment to the Constitution. Once this surgery has been performed, once the frontal lobotomy has been done, it will be very difficult to undo if we do not like the consequences.

That is why as much should be known about this proposal as possible, including a blueprint for exactly how the proponents would get the budget into balance by 2002. If that blueprint cannot be produced, then the American people should be aware from the outset that the amendment may be a sham and a cruel hoax by politicians looking to curry favor by making promises that they cannot keep, and by using the Constitution—this Constitution of the United States—as cover for their singular lack of courage.

Public service should mean more than that. The welfare of the people should mean more than that. And the Constitution of the United States must surely mean more than that.

Mr. President, I have heard the great name of Thomas Jefferson invoked time and time again during this debate by some of those who support this constitutional amendment on the balanced budget. Thomas Jefferson was not one of those at the Constitutional Convention. Thomas Jefferson was not one of the 39 signers of the Constitution. He was a Minister to France at the time that the Constitutional Convention was underway.

We all know that a failure of the Congress under the Articles of Confederation to provide the Nation with a responsible financial system was the principal stimulus to the drafting of the Constitution. That was one of the things that was wrong with the Congress under the Confederation, one of the things that weakened the Continental Congress.

The First Continental Congress met on September 5, 1774. The Second Continental Congress met in 1775, and it continued until 1781, in which year the Articles of Confederation were created, and the Congress under the Confederation continued to exist until 1789, when this Republic, created under the new Constitution, came into being.

One of the principal reasons why it became clear that the Congress was ineffective under the Confederation was the fact that its financial system was really a paralyzed system, one in which the Congress had to depend upon the States for their good will and their support in coming up with the funds that were levied against them. The Congress had little power. It had to requisition moneys from the States, and the moneys were not always forthcoming.

So, it was decided that there would have to be a new form of Government,

and a new Constitution was thus written. There were also problems with regard to commerce between and among the States. All those things came into focus and made clear the need for a new Constitution and a new form of Government. That Constitution, therefore, was written during those 116 days that occurred between and including May 25 and September 17, 1787.

Jefferson did not help to write that Constitution. Jefferson was not at the Constitutional Convention. So why invoke his name? This notion that today's populace should not be able, by borrowing, to burden future generations with debt was never seriously considered by the convention. Such an amendment to the Constitution was never submitted to the people.

Jefferson was President of the United States from 1801 to 1809. Why did he not suggest or recommend that such an amendment be submitted to the people by the Congress? He had the opportunity to do it. Why did he not do it?

I think we have to recognize a limitation as to what we are willing to include in the Constitution by recognizing that there is a vast gulf between what might be considered a Utopian Constitution and what it might contain, and what a Constitution in the real world can achieve.

One should never underestimate the price of making promises that even a Constitution might not be able to deliver.

Thomas Jefferson took no part in the debates, as I have said, of the 1787 Convention that produced the Constitution. He was in France. He did not return home until October 1789. The Constitution had already gone into effect on March 4, 1789.

A month previous to his return home from Paris, Jefferson wrote the celebrated "The Earth Belongs to the Living" letter, and he wrote it to James Madison. In that letter, Jefferson argued that "no generation can contract debts greater than may be paid during the course of its own existence," and Jefferson calculated such a period to be about 19 years. We would calculate it to be a longer period these days.

James Madison, though, is generally recognized to be the Father of the Constitution. Here it is in my hand, the Constitution of the United States. This is not the so-called Contract With America; this is the Constitution of the United States. That is my contract with America.

James Madison is generally agreed to have been the Father of the Constitution of the United States. He continued to explain that "the improvements made by the dead form a charge against the living who take the benefit of them." In other words, the improvements made by those of this generation, who years hence, would be dead. The improvements made by the dead form a charge against the living generations hence, who will take the benefit of those improvements. Continuing, Madison said, "Debts may be incurred

for purposes which interest the unborn, as well as the living"—This is not ROBERT C. BYRD talking; this is James Madison. I was not there when this Constitution was written. I did not have a thing to do with writing it. But it is my contract with America. Madison said: "The improvements made by the dead form a charge against the living who take the benefit of them. Debts may be incurred for purposes which interest the unborn, as well as the living; such are debts for repelling a conquest, the evils of which may descend through many generations."

Madison's view, therefore, was that "debts may be incurred principally for the benefit of posterity." Jefferson said, in essence, we should not pass debts on to our children and grandchildren. But Madison took the other view—the better view, in my judgment—that "debts may be incurred principally for the benefit of posterity."

I think greater weight should be given to Madison's view than to Jefferson's more abstract idea, written from the distant European shores. Particularly compelling is Madison's salient observation of the year 1790, namely, that "the present debt of the United States"—in 1790—"far exceeds any burdens which the present generation could well apprehend for itself." Even in 1790, the next year following the flowering of this new republic, under the new Constitution.

Madison believed in the "descent of obligations" from one generation to another. "All that is indispensable in adjusting the account between the dead and the living," he wrote, "is to see that the debts against the latter do not exceed the advances made by the former." As I stated earlier, Jefferson later became President. Why did he not propose a constitutional amendment? Why did he not lead an effort to propose a constitutional amendment to carry out the "Earth Belongs to the Living" theory? Say what you want; he did not do it.

To the contrary, in 1803, Jefferson encountered an unexpected offer from France to purchase the Louisiana Territory. Although he felt that he lacked clear constitutional authority to act, Jefferson accepted the offer—and I am glad that he did—and incurred a public debt to pay the required \$15 million. Where did he get the money? He borrowed it from English and Dutch banks. Grappling with this contradiction now, Jefferson said in 1810 that the question was "easy of solution in principle, but somewhat embarrassing in practice," and then Jefferson went on to suggest that the "laws of necessity" were sometimes higher than the written laws of government and concluded that it would be absurd to sacrifice the end to the means. I think he did the right thing.

I have no doubt that, once the American people are better informed on this question before the Senate, the judg-

ment of the American people will be sound.

Talleyrand, who dominated the politics of Europe for 40 years—he was Prime Minister of France, who served under Napoleon—said there is more wisdom in public opinion than is to be found in Napoleon, Voltaire, or all the ministers of State, present and to come.

(Ms. SNOWE assumed the chair.)

Mr. BYRD. But, Madam President, it has to be an informed public opinion. It has to be an informed public opinion.

And that is, more than anything else, why the Senate is the premier deliberative body of the world today. It is the forum of the States and the forum of minorities, and a forum in which there is unlimited debate, the right of unlimited debate, only to be shut off by a cloture motion adopted or by a unanimous consent agreement.

I happen to believe that the American people are not fully informed as to the ramifications of this snake oil constitutional amendment which would mandate—mandate—a balanced budget every year from now until kingdom come; every year.

Madison, in Federalist Paper No. 63, said:

\*\*\* so there are particular moments in public affairs when the people, stimulated by some irregular passion, \*\*\* or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn.

Now he was talking about the Senate. That is what Madison was talking about. Go look at the Federalist Paper No. 63. He was talking about the Senate.

"In these critical moments," he said, "how salutary will the interference of some temperate and respectable body of citizens in order \* \* \* to suspend the blow meditated by the people against themselves until reason, justice and truth can regain their authority, over the public mind."

Madison was talking about the Senate.

"What bitter anguish" he said, "would not the people of Athens have often escaped if their government had contained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day and statutes on the next."

That was Madison, the father of the Constitution, talking about the Senate. William Ewart Gladstone—who was prime minister four times under Queen Victoria—referred to the U.S. Senate as "that remarkable body, the most remarkable of all the inventions of modern politics."

Madison was talking about the Senate, referring to it as a body of "temperate and respectable" citizens who might interfere and "suspend the blow meditated by the people against themselves" in a time of partisan political

passion, "until reason, justice, and truth can regain their authority over the public mind."

That is why we have the Senate. That is why we are here to debate these issues.

Madam President, for more than a week now I have listened with great fascination as some of the proponents of the balanced budget constitutional amendment have laid out every conceivable reason as to why we should adopt this measure. If I did not know better, if I did not certainly think I knew better, I might be convinced by all of the rhetoric that the amendment is the silver bullet cure-all for everything that ails the country. But I do know better, and, more importantly, the American people will know better, too, if only they can be fully informed on the matter.

Unfortunately, left unsaid in all the pro-amendment talk has been one of the most important parts of this, what it will really amount to, what it really amounts to in my judgment will be an immense fraud: the people's right to know how implementation of the amendment will affect them. How will the adoption of this amendment affect you, Mr. and Mrs. America, you and your children and your grandchildren?

And, contrary to what some may think, the public does have a right to know how they will be affected. The people have a right to know how spending cuts on the magnitude of \$1.5 trillion over the course of a 7-year span will impact their lives and the lives of their children.

The fact that the public is beginning to understand that they are going to be hit and hit hard can be seen in the results of a recent nationwide survey. Last week, the American Association of Retired Persons released a poll, conducted by the Wirthlin Group during the last week of January, which showed that 75 percent of the American people want to know the details of what will have to be cut to balance the budget before the amendment is voted on. Notice, I said "before the amendment is voted on."

So, as will be seen by this chart here, the American people are saying, "Spell out the cuts." Spell out the cuts.

Three out of four Americans, according to this poll that was released by the American Association of Retired Persons last week, three out of four Americans want to know, Madam President, where, oh where, we intend to come up with \$1.5 trillion and they want to know it before the vote on this fiscal pie-in-the-sky proposal takes place.

Even more amazing than those overwhelming numbers, though, is that the support for the radical idea of knowing the details ahead of time runs across party lines.

The chart to my left plainly states that 68 percent of the Republicans polled by the Wirthlin Group want to know what will be cut first before Congress passes the balanced budget

amendment. Seventy-seven percent of the Democrats want to know. Eighty-three percent of the independents want to know. Want to know what? What will be cut first?

They want to know first, before we adopt any such amendment, they want to know the figures that will be cut.

These results of the poll show that the argument over the people's right to know is not a partisan argument. It is not, as some have suggested, simply a way of delaying a vote on the balanced budget amendment. Sixty-eight percent of the Republicans polled do not believe that it is simply a way of delaying the vote. Seventy-seven percent of the Democrats polled do not believe it is just a way to delay the vote. They want to know what is in the amendment. Eighty-three percent of the independents do not believe it is just a way to delay the vote. They want to know what is going to be cut.

It is not, as some have suggested, simply a way of delaying a vote on the balanced budget amendment. On the contrary, the people's right to know is a very real issue that must be confronted. In reality, Madam President, none of the Members should be surprised by the poll results because the American people are not reckless.

People know, for example, that before they buy a house, they need to ask whether or not the roof leaks. They know that before they buy an insurance policy, they should read the fine print to see exactly what it covers. And they know if they want to cut the amount of fat and cholesterol in their diets, they should read the label on the foods that they buy at the supermarket.

The people take the time to think about what they are being asked to buy. They consider all of the pluses and all of the minuses of what they are judging. They do not run out willy-nilly and lay down their money without asking for the details of what they are about to purchase. They do not take it on faith that what they are being told is the full story. They ask questions. They ask questions. They expect to be given clear and honest answers to their questions.

Now that the American people are asking questions, now that they are asking the details of the \$1.5 trillion magic pill that will shrink the deficit without pain or suffering, are they going to be ignored? Is the American people's right to know going to be ignored? By refusing to honor the public's right to know, the proponents will, in effect, be telling the American people that we here in Washington know what is best.

"Take it on faith," is what the American people are being told. "Trust us. Trust us. Do not press us. Do not press us for all of these messy details." Is that what Senators think the public was telling Members last November? Do Senators honestly believe the message out of the last election was that the American people want Members to

pass legislation in such a hurry that we do not tell the American people the ramifications?

Does anyone think that the public is happy with being kept in the dark on this \$1.5 trillion scam? In my view that is what it is, unless we tell them, let them look under the hood, unless we tell them what is on the label, unless we at least put a label on this bottle. If anyone thinks that, then they should think again. The American people have a right to know the details behind this amendment. They have a right to know whether or not their children are going to be able to get a student loan, whether or not the national parks in their State will be closed, whether or not the National Institutes of Health will be able to continue with breast cancer research, whether or not they will see fewer cops on the beat in their cities, whether or not the Federal Government will continue to offer financial help with highways and water treatment plants in their communities. People have a right to know.

Nearly everyone is making promises, as I listen, promises that Social Security will not be cut under the balanced budget amendment. There will be amendments offered to exempt Social Security, we hear, and promises made to protect Social Security from cuts. I do not want our senior citizens to be misled. Taking the Social Security trust fund off the table does not totally ensure our elderly citizens from the devastation of this amendment. Taking the Social Security trust fund off the table simply means that even more pressure for cuts falls on Medicare and on other programs that help the elderly, such as Meals on Wheels.

Moreover, there are backdoor ways, backdoor ways of getting at Social Security even if it were to be taken off the table. One such idea which is being explored, I believe by our Republican friends, is to recalculate the way we measure cost-of-living increases in order to help to reduce the deficit. That proposal, that recalculation, would actually mean a reduction in inflation adjustments for taxpayers' standard deductions and personal exemptions on their income tax form. Those changes, then, would result in both a cut in Social Security benefits and a tax hike to the recipients of Social Security benefits. So Social Security recipients should not rest easy, even if the trust fund were to be emptied.

Social Security recipients will not be protected. The mammoth cuts that will have to be made under this balanced budget amendment, even if Social Security were to be taken off the table, will mean that state taxes and local taxes will likely go through the ceiling so that States can pay for some of the essential services which the Federal Government no longer will be able to provide.

The elderly, along with everybody else in the Nation, will see their incomes eroded by higher taxes in the

States. The elderly will be hurt by this balanced budget amendment, whether or not the trust fund is exempted. And I say make no mistake about that.

Additionally, I do not want to see a kind of generational and interest group warfare set up by the enactment of this amendment. There will be interest group and generational hand-to-hand combat the like of which we have never seen if this amendment is adopted, and the warfare and sniping will worsen if Social Security were to be exempted.

A recent study shows that 26 percent of the children under 6 years old live in poverty in the United States. Do we want to set up a situation that forces Members to choose between helping the elderly and helping the children; helping the elderly and helping the grandchildren of the elderly?

What about pitting the elderly against their grandchildren? What about pitting the elderly against the veteran? Certainly, we should not want to see that. Many senior citizens also receive veterans benefits. This amendment sets one American against another, one interest group against another, and would tend to force severe across-the-board cuts under the guise of fairness. Instead of using our judgment, instead of looking at what could and should be cut, Senators would likely buckle under competing interest group pressure, put the blindfolds on, and enact sweeping, meat-ax cuts on all programs.

That would be bad public policy. But if that is to be the policy, then the elderly, the veterans, the mayors and Governors, the parents and grandparents of the children and everybody else in America, including the Members of this body, need to know now, in order to be able to make an informed choice about the wisdom, or the un wisdom, of this constitutional amendment.

Did the Senator ask me a question?

Mr. HOLLINGS. I thought you completed your comments. I will wait.

Mr. BYRD. I say to my able friend, I will not go longer than another 5 minutes at most. The Senator has been sitting here waiting. I did not see him sitting back there because this chart is between the two of us. If the Senator will indulge me just another 3 or 4 minutes.

Mr. HOLLINGS. I have been enjoying it.

Mr. BYRD. I thank the Senator.

Mr. President, the American people have a right to know these things, and while many of them come to the floor to speechify on the need for a balanced budget amendment, over the past 5 years we here in the Congress have already cut more than \$900 billion from the deficit. In the Budget Enforcement Act of 1990, Congress cut \$482 billion from the deficit. We followed that effort with \$432 billion worth of deficit reduction in 1993—without, I would note, the help of many of those who favor a balanced budget amendment. And each and every one of those dollars

of deficit reduction, Mr. President, was cut without—without—a constitutional amendment. What was required to do the job then, and what will be required to do the job in the future, was putting a budget plan out here on the Senate floor, getting down to business and discussing the pros and cons of the proposed cuts in full view of the American public, and then voting up or down.

Yesterday, we were treated to several hours of bashing of the President's budget by the proponents of this constitutional amendment to balance the budget. But I hope that no one will be confused by those transparent attempts to obscure the central point of this debate. That point is that the American people need to know how the proponents intend to get to a perfect budget balance by the year 2002, and they need to know it before their Senators vote on the amendment. The President has submitted his budget. He does not support a constitutional amendment to balance the budget by 2002; therefore, it is not incumbent upon him to produce a budget that does so. He will not even have a chance to sign such an amendment or veto such, constitutional amendment, because that amendment goes straight to the States if we in the Congress approve it, God forbid. The President is largely a mere observer in this process. The decision to amend the Constitution is a decision that is reserved for the Congress and for the people of the several States.

But the President's budget is a useful illustration of one thing. Budget balance, or even a continuing glidepath to deficit reduction, is difficult to achieve if tax cuts are part of the equation. Be that as it may, I believe that the President has given us an honest budget, even if I personally do not agree with it. I do not believe he has cooked the numbers. We have seen plenty of that in the past. He has held the deficit steady, even though health care costs will grow by more than 9 percent a year for the next 5 years. And I believe that we could have had a continuing glidepath of deficit reduction if the tax cuts had been dropped from the President's budget.

But, the President has put his cards on the table. What about the amendment's supporters? They say that they are in favor of this so-called constitutional amendment, but they refuse to show their cards. And, worse, they propose to start on the road to this constitutional amendment with a gigantic tax cut—one that dwarfs the administration's modest proposal, by something like three to one. Just last week, the staff of the Joint Committee on Taxation estimated that the revenue loss to the Treasury, if the Republican tax cuts are enacted, would be almost \$205 billion over 5 years. Even that figure is somewhat misleading because the tax cuts which the proponents are suggesting are back-loaded. Taking the back-loading into account, in the fifth

year alone, revenue losses would be some \$69 billion.

But, the proponents claim that, not only can they pay for these tax cuts with spending cuts; they can cut even further and get the budget to balance by 2002. So far, the proponents will only make vague promises about what they will not cut. They have listed Social Security, defense, and interest on the debt as items that will not be touched. Those three items together make up a little over one-half of the Federal budget. To get to budget balance by 2002, the proponents would have to cut the remaining Federal budget by about one-third. The largest category of spending in the half of the budget that is to be on the chopping block are the health care programs. Medicare and Medicaid amount to about one-sixth of all Federal spending. These same health care programs, Medicare for the elderly and the disabled, and Medicaid for the poor, are also the fastest growing programs in the half of the budget which the proponents propose to cut.

So why do the proponents not stop talking about what they will not cut and tell the American people what they will cut? It is popular to say Social Security is off the table. But how about telling the American people what is left on the table? Medicare is on the table. State and local grants are on the table. Why not tell the Governors and the mayors and the elderly about the cuts that will be necessary for budget balance by 2002? Veterans pensions, civilian and military retirement pensions, highway grants, environmental cleanup, WIC, education—all those items are left on the table. Why do the proponents not show down? This so-called balanced budget amendment is their idea, not mine, not President Clinton's. So, let us hear how the proponents intend to deliver. Let us know how the proponents plan to enact giant tax cuts, protect Social Security from any cuts, protect defense from any cuts, pay the interest on the debt and still get the budget into balance by 2002. The silence from the proponents about the specifics of how we get to budget balance is positively deafening. Why is that? Will someone please tell the American people why we are not laying out a plan for their scrutiny? I can only say what I believe. I believe that we are hearing nothing from the proponents because it cannot be done, or because they will not do it.

We are already required to project the deficits for at least 5 years out. Why can the proponents not project the plan for this amendment, as it will affect the American people, 7 years out? I believe that we are hearing nothing from the proponents because they don't really want the American people to know.

Tax cuts, coupled with removing Social Security, defense, and interest payments from any consideration for spending reductions, make balancing

the budget by 2002 without totally devastating the economy of this Nation and the 50 States, is mission impossible.

Let us not tell the patient that he is going under the knife for cosmetic liposuction—lipo comes from the Greek, *l-i-p-o*, meaning "fat"—when, in fact, we all know that he will wake up with most of his intestines and part of his stomach missing. Let us not sign on to this contract with evasion. We hear so much about the so-called Contract With America. This is a contract with evasion and deceit. Unless we tell the American people how we intend to get the budget to balance by the year 2002 before we vote, this amendment amounts to little more than a contract with deceit. The Senate would have to be infected with the virus of collective madness to adopt this contract with deceit and evasion.

But as the poll shows, the American people have caught on to this unbecoming ruse, and they are not going to let us get away with it. Passing the buck is a political cop out. In the case of the constitutional amendment to balance the budget, the buck stops right here.

Madam President, I ask unanimous consent to insert in the RECORD at this point an article from the Wall Street Journal of today, titled "GOP Tax Cuts Are Seen Costly Over 10 years," which states that the GOP tax cuts would cost \$704.4 billion over the next decade.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 7, 1995]

**GOP TAX CUTS ARE SEEN COSTLY OVER 10 YEARS**

NEW CONGRESSIONAL ANALYSIS FINDS LOSS OF REVENUE REACHING \$704.4 BILLION

(By Jackie Calmes and Christopher Georges)

WASHINGTON.—Even as Republican lawmakers lambasted President Clinton's budget for its failure to slash federal deficits, a new congressional analysis put the cost of their promised tax cuts at \$704.4 billion over the next decade.

That analysis yesterday from Congress' nonpartisan Joint Committee on Taxation, whose estimates are the basis for Republican legislation on taxes, closely parallels the Clinton administration's own earlier finding, which many GOP leaders criticized at the time. Now both have found that the revenue loss from the proposed tax cuts would balloon in later years far beyond the five-year estimates of \$200 billion that Republicans previously have cited. The Treasury Department last month put the cost of the Republican tax cuts at \$725.5 billion through fiscal 2005.

Although Republicans in Congress have vowed to offset the five-year cost through \$200 billion in matching spending cuts, the effort has proved such a struggle that the House isn't expected to act on the package until at least mid-March. Only afterward will it turn to drafting a budget aimed at slashing deficits. While Congress bases its budgets on five-year outlooks, the new 10-year forecast for the tax cuts is pertinent given the Republicans' current push for a constitutional amendment mandating a balanced budget by 2002.

Meanwhile, at a news conference on the president's budget, Senate Majority Leader Robert Dole said "the administration has

given up" on the deficit, a realization that "will certainly help our cause to get enough votes for a balanced-budget amendment." The Senate is in the second week of debate on the amendment.

President Clinton and his advisers yesterday defended their budget after it was released as one that would reduce the deficit gradually if measured as a percentage of the gross domestic product, the total value of goods and services produced in the country. "There is no magic amount of deficit reduction that you need," Budget Director Alice Rivlin told reporters. "We now have a deficit that's under control and coming down in relation to the size of the economy."

"The best way or the most obvious way to do additional deficit reduction," Ms. Rivlin said, "is the one that we talked so much about last year, namely, controlling the out-year costs of health care." She described the administration's decision to essentially ignore health-care reform in this year's budget as a tactical one. The president still wants to work with Congress to slow the growth in the cost of health care and to improve access to health care, she said.

The budget projects a deficit of \$196.7 billion, or 2.7% of GDP, in fiscal 1996, which begins Oct. 1. If Mr. Clinton's proposals were adopted by Congress and if the economy performs precisely as the White House projects—two unlikely outcomes—then the deficit is projected to be 2.7% of GDP the following year and to fall to 2.4% of GDP in fiscal 1998. But it would remain around \$200 billion a year for the foreseeable future.

The new White House economic forecast published in the budget shows that the administration thinks the Federal Reserve is finished raising interest rates. The president's economic advisers anticipated the increase of one-half percentage point in short-term interest rates that the Fed engineered last week, but they don't foresee any further boosts, chief White House economist Laura Tyson said.

**BALLOONING COSTS**

The congressional committee previously estimated that the Republican tax-cut proposals would cost \$203.9 billion in the first five years. But over 10 years, the reductions would cost the Treasury more than three times as much because the cost of some proposals balloon in the future. GOP proposals to reduce capital-gains taxes would lose \$170.3 billion over 10 years—up from \$53.9 billion in the first five years. The Treasury projects similar revenue drains, of \$60.9 billion in the first five years, and \$183.1 billion over 10.

The similarity of the Treasury and Joint Committee findings—and particularly those on the much-debated capital-gains proposals—provides striking evidence that the new GOP-controlled Congress hasn't significantly departed from longstanding procedures for measuring the impact of tax changes. For years, some Republicans had vowed to overhaul those procedures to reflect their belief that tax cuts boost revenues through economic growth, rather than lose revenues.

Two GOP proposals that are shown to raise revenues over the first five years would become revenue-losers after that period, as Treasury had found. One, to liberalize the existing deductions for individual retirement accounts, would raise an estimated \$2.2 billion through 2000 but then increasingly lose revenue—for a total of \$23.9 billion over 10 years. Early on, the new proposal would encourage taxpayers to transfer existing IRAs into new "American Dream Savings Accounts," but they would have to pay taxes on the amount transferred. After five years, however, savers could withdraw money from the new accounts tax-free.

**WRITE-OFF PROVISION**

The second provision, liberalizing write-offs for capital-intensive businesses' plant and equipment, would raise \$16.7 billion over the first five years but lose \$88.8 billion over 10 years. The early gain comes because the proposal would create less generous write-offs for the first years of an investment, in exchange for more generous write-offs later. The Treasury found an even larger loss from this "neutral cost recovery" provision—\$120.4 billion over a decade.

The Treasury says President Clinton's tax cuts for the middle class would cost \$62.7 billion over five years and \$171.2 billion over 10 years.

Although many private forecasts anticipate further increases in short-term interest rates, last week's employment report has led some to conclude that the Fed won't raise rates much more than it has already.

"They'll be wrong on interest rates, but not by much. We'll get one more rate hike from the Fed this year," Elliott Platt, an economist at Donaldson, Lufkin & Jenrette, said of the White House forecast. The Fed has increased short-term rates three percentage points in the past year.

The economic forecast in the budget says the unemployment rate, now at 5.7% of the work force, will climb to 6% by the fourth quarter of this year. But the president's Council of Economic Advisers has already changed its mind and now predicts that unemployment will range between 5.5% and 5.8% over the rest of the decade.

**NEW OR HIGHER FEES**

Nearly all the significant features of the president's budget were leaked over the weekend. Among the details in documents released yesterday are a number of new or higher fees, including some on small-business loans and pesticide registration. The president also proposes:

To levy a border-crossing fee of \$3 a vehicle and \$1.50 a pedestrian, with discounts for those who cross the border frequently.

To fund the Commodity Futures Trading Commission with a 10-cent fee for each round-turn transaction on commodity futures and options contracts.

To charge federal employees for parking, but only where the agency heads decide to do so.

To raise about \$1 billion over five years by requiring the Federal Deposit Insurance Corp. and the Federal Reserve to assess fees from state-chartered banks they regularly examine. The fees would be calculated according to the size of the banks; those with assets of less than \$100 million would be exempt.

To submit a plan to raise \$4.8 billion over five years by expanding Federal Communication Commission authority to auction off more of the radio spectrum or to levy new user fees.

To collect fees from medical-device makers that are seeking Food and Drug Administration product approvals, using the money to hire more staff to speed reviews.

Mr. BYRD. I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

Madam President, there is an old axiom in the court of equity that is he who seeks equity must do equity; he who comes into the court of equity must come with clean hands. We have

had many chants and claims in recent days calling on Members to submit a balanced budget.

Two weeks ago, with that equitable axiom in mind, I did exactly that. I felt that I lacked standing in this so-called court of the U.S. Senate to demand that my colleagues submit a budget blueprint that I had not submitted myself.

Two weeks ago, I included it in the RECORD and attempted to highlight certain realities of our present fiscal situation. The reality is that balancing the budget in a 7-year period requires \$1.2 trillion in spending cuts.

The other reality was that the savings from entitlement reform would not be enough to balance the budget. Clearly, we must try our best to slow health costs and reform our welfare system. Likewise, we can save some Federal dollars by reviewing supplementary security income as Mort Zuckerman suggested in last week's U.S. News and World Report.

But putting these reforms in place costs money. Anyone who argues that they can set up a work program for welfare recipients, care for their children, and reap large savings is whistling Dixie. Likewise, in reforming in health care, our focus has been on slowing the growth of overall spending rather than cutting back on existing funds. President Clinton's commitment to health care reform has already led to marketplace reforms in my own State of South Carolina. In fact, not too long ago the chairman of the board of one of the largest employers in my State said, "Fritz, you keep on debating that health reform package up there, because whatever happens is healthy. Rather than seeing increases, I am now getting a 10 percent decrease in premiums for coverage of my employees."

So while the President has done a magnificent job in encouraging the marketplace to make reforms, we are still a long way from getting on a realistic path to a balanced budget. In

short, to stop the hemorrhaging in interest costs, spending cuts as well as taxes are necessary.

I ask unanimous consent, Madam President, to include once again in the RECORD this particular document which lists the budget realities and a potential list of discretionary spending cuts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR HOLLINGS ON TRUTH IN BUDGETING

Reality No. 1: \$1.2 trillion in spending cuts necessary.

Reality No. 2: Not enough savings in entitlements. Yes, welfare reform but job program will cost; savings questionable. Yes, health reform can and should save some, but slowing 10 percent growth to 5 percent—not enough savings. No, none on social security; off-budget again.

Reality No. 3: Hold the line budget on Defense—no savings.

Reality No. 4: Savings must come from freezes, cuts in domestic discretionary—not enough to stop hemorrhaging interest costs.

Reality No. 5: Taxes necessary to stop hemorrhage in interest costs.

	1996	1997	1998	1999	2000	2001	2002
Deficit CBO Jan. 1995 (using trust funds)	207	224	225	253	284	297	322
Freeze discretionary outlays after 1998	0	0	0	-19	-38	-58	-78
Spending cuts	-37	-74	-111	-128	-146	-163	-180
Interest savings	-1	-5	-11	-20	-32	-46	-64
Total savings (\$1.2 trillion)	-38	-79	-122	-167	-216	-267	-322
Remaining deficit using trust funds	169	145	103	86	68	30	0
Remaining deficit excluding trust funds	287	264	222	202	185	149	121
5 percent VAT	96	155	172	184	190	196	200
Net deficit excluding trust funds	187	97	27	(17)	(54)	(111)	(159)
Gross debt	5,142	5,257	5,300	5,305	5,272	5,200	5,091
Average interest rate on the debt (percent)	7.0	7.1	6.9	6.8	6.7	6.7	6.7
Interest cost on the debt	367	370	368	368	366	360	354

Note.—Does not include billions necessary for middle class tax cut.

Mr. HOLLINGS. Here is a list of the kinds of nondefense discretionary spending cuts that would be necessary now as a first step to get \$37 billion of savings and put the country on the road to a balanced budget:

Nondefense discretionary spending cuts	1996	1997
Cut space station	2.1	2.1
Eliminate CDBG	2.0	2.0
Eliminate low-income home energy assistance	1.4	1.5
Eliminate arts funding	1.0	1.0
Eliminate funding for campus based aid	1.4	1.4
Eliminate funding for impact aid	1.0	1.0
Reduce law enforcement funding to control drugs	1.5	1.8
Eliminate Federal wastewater grants	0.8	1.6
Eliminate SBA loans	0.21	0.282
Reduce Federal aid for mass transit	0.5	1.0
Eliminate EDA	0.02	0.1
Reduce Federal rent subsidies	0.1	0.2
Reduce overhead for university research	0.2	0.3
Repeal Davis-Bacon	0.2	0.5
Reduce State Dept. funding and end misc. activities	0.1	0.2
End P.L. 480 title I and III sales	0.4	0.6
Eliminate overseas broadcasting	0.458	0.570
Eliminate the Bureau of Mines	0.1	0.2
Eliminate expansion of rural housing assistance	0.1	0.2
Eliminate USITA	0.012	0.16
Eliminate ATP	0.1	0.2
Eliminate airport grant in aids	0.3	1.0
Eliminate Federal highway demonstration projects	0.1	0.3
Eliminate Amtrak subsidies	0.4	0.4
Eliminate RDA loan guarantees	0.0	0.1
Eliminate Appalachian Regional Commission	0.0	0.1
Eliminate untargeted funds for math and science	0.1	0.2
Cut Federal salaries by 4 percent	4.0	4.0
Charge Federal employees commercial rates for parking	0.1	0.1
Reduce agricultural research extension activities	0.2	0.2
Cancel advanced solid rocket motor	0.3	0.4
Eliminate legal services	0.4	0.4
Reduce Federal travel by 30 percent	0.4	0.4
Reduce energy funding for Energy Technology Development	0.2	0.5
Reduce Superfund cleanup costs	0.2	0.4
Reduce REA subsidies	0.1	0.1

Nondefense discretionary spending cuts	1996	1997
Eliminate postal subsidies for nonprofits	0.1	0.1
Reduce NIH funding	0.5	1.1
Eliminate Federal Crop Insurance Program	0.3	0.3
Reduce Justice State-local assistance grants	0.1	0.2
Reduce Export-Import direct loans	0.1	0.2
Eliminate library programs	0.1	0.1
Modify Service Contract Act	0.2	0.2
Eliminate HUD special purpose grants	0.2	0.3
Reduce housing programs	0.4	1.0
Eliminate Community Investment Program	0.1	0.4
Reduce Strategic Petroleum Program	0.1	0.1
Eliminate Senior Community Service Program	0.1	0.4
Reduce USDA spending for export marketing	0.02	0.02
Reduce maternal and child health grants	0.2	0.4
Close veterans hospitals	0.1	0.2
Reduce number of political employees	0.1	0.1
Reduce management costs for VA health care	0.2	0.4
Reduce PMA subsidy	0.0	1.2
Reduce below cost timber sales	0.0	0.1
Reduce the legislative branch 15 percent	0.3	0.3
Eliminate Small Business Development Centers	0.056	0.074
Eliminate minority assistance, score, Small Business Institute and other technical assistance programs, women's business assistance, international trade assistance, empowerment zones	0.033	0.046
Eliminate new State Department construction projects	0.010	0.023
Eliminate Int'l Boundaries and Water Commission	0.013	0.02
Eliminate Asia Foundation	0.013	0.015
Eliminate International Fisheries Commission	0.015	0.015
Eliminate Arms Control Disarmament Agency	0.041	0.054
Eliminate NED	0.014	0.034
Eliminate Fulbright and other international exchanges	0.119	0.207
Eliminate North-South Center	0.002	0.004
Eliminate U.S. contribution to WHO, OAS, and other international organizations including the U.N.	0.873	0.873
Eliminate participation in U.N. peacekeeping	0.533	0.533
Eliminate Byrne grant	0.112	0.306
Eliminate Community Policing Program	0.286	0.780
Moratorium on new Federal prison construction	0.028	0.140
Reduce Coast Guard 10 percent	0.208	0.260
Eliminate Manufacturing Extension Program	0.03	0.06
Eliminate Coastal Zone Management	0.03	0.06
Eliminate National Marine Sanctuaries	0.007	0.012
Eliminate climate and global change research	0.047	0.078
Eliminate national sea grant	0.032	0.054
Eliminate state weather modification grant	0.002	0.003
Cut Weather Service operations 10 percent	0.031	0.051
Eliminate regional climate centers	0.002	0.003

Nondefense discretionary spending cuts	1996	1997
Eliminate Minority Business Development Agency	0.022	0.044
Eliminate public telecommunications facilities, program grant	0.003	0.016
Eliminate children's educational television	0.0	0.002
Eliminate National Information Infrastructure grant	0.001	0.032
Cut Pell grants 20 percent	0.250	1.24
Eliminate education research	0.042	0.283
Cut Head Start 50 percent	0.840	1.8
Eliminate meals and services for the elderly	0.335	0.473
Eliminate title II social service block grant	2.7	2.8
Eliminate community services block grant	0.317	0.470
Eliminate rehabilitation services	1.85	2.30
Eliminate vocational education	0.176	1.2
Reduce chapter 1, 20 percent	0.173	1.16
Reduce special education, 20 percent	0.072	0.480
Eliminate bilingual education	0.029	0.196
Eliminate JTPA	0.250	4.5
Eliminate child welfare services	0.240	0.289
Eliminate CDC Breast Cancer Program	0.048	0.089
Eliminate CDC AIDS Control Program	0.283	0.525
Eliminate Ryan White AIDS Program	0.228	0.468
Eliminate maternal and child health	0.246	0.506
Eliminate Family Planning Program	0.069	0.143
Eliminate CDC Immunization Program	0.168	0.345
Eliminate Tuberculosis Program	0.042	0.087
Eliminate Agricultural Research Service	0.546	0.656
Reduce WIC, 50 percent	1.579	1.735
Eliminate TEFAP—administrative	0.024	0.040
Commodities	0.025	0.025
Reduce Cooperative State Research Service 20 percent	0.044	0.070
Reduce Animal Plant Health Inspection Service 10 percent	0.036	0.044
Reduce Food Safety Inspection Service 10 percent	0.047	0.052
Total	36.941	58.402

Note.—Figures are in billions of dollars.

Mr. HOLLINGS. Madam President, we have heard a lot in recent days about a simple way to balance the budget—the so-called 3 percent growth approach—which the Senator from Texas spoke of last week. But let's look at the facts. According to CBO,

the budget is growing annually at about 6.2 percent or by \$94 billion. Thus, if you plan to cut that in half to 3 percent growth, that is \$46 billion. But wait, we all agree Social Security is off the table and will grow by \$18 billion next year. Similarly, we will have to pay the interest costs on the debt which will increase by \$25 billion next year. Kick in the last \$3 billion to try and hold the line on defense spending and you quickly see that there's not much left of that 3 percent. While seductively simple, this approach fails to spell out the impact on the American people. If the 3 percent is used up, what is the effect on Medicare and Medicaid programs, education, and law enforcement?

The glidepath that I have put before the Senate requires \$37 billion in spending cuts for the first year. It meets that target by listing some 80 spending cuts that I do not think for a minute would ever pass on the floor of the Senate. In addition to cuts in discretionary programs, I also included a list of possible entitlement programs to pick and choose from that was circulated earlier this year by Senator GREGG of New Hampshire.

We tried such budget cutting exercises before. Give credit to Senator DOMENICI, who was chairman of the Budget Committee in 1986, when he offered an amendment to adopt President Reagan's budget cuts. Do you know how many votes they got? Fourteen, fourteen votes.

Last year, on the House side, Congressman Solomon corralled together a list of cuts that had been recommended by various groups. He put them all together and came up with \$700 billion in cuts over 5 years. Do you know who voted against it? Congressman KASICH. Do you know who voted against it? Speaker GINGRICH. Do you know how many votes they got? Seventy-three out of four hundred and thirty-five.

Madam President, you have to face the realities and I think one stark reality is the one stated by the House majority leader who feared that coming forward with specific spending cuts would cause members knees to buckle. That is the truth.

I have come to the floor this afternoon to say a word about those who are blaming President Clinton for not doing anything about the deficit. If there is one fellow who had nothing to do with this deficit, it would be President William Jefferson Clinton. He came from Arkansas up to Washington, and he inherited fiscal chaos.

I do not mean to sound rude. I mean to sound factual and to give you the reality of the situation. Yesterday, we honored our distinguished past President, President Reagan, on his birthday. We gave him a birthday present but he has given us a birthday present. That birthday present is an increase in taxes of a billion a day. It is the biggest tax increase in the history of this land.

I constantly hear about the largest tax increase. We were there, this particular Senator, and Senator Mathias on the other side of the aisle at the birth of Reaganomics. Eleven of us voted against the massive tax cuts that some called a riverboat gamble. President Bush called it voodoo economics.

But the fact of the matter is this Senator voted against the tax cuts of Reaganomics and for the spending cuts. Only three Senators who voted against the tax cuts but for spending cuts: Senators BRADLEY, Mathias, and myself.

So we have positioned ourselves with some kind of credibility on trying to balance the budget. When they talk about the biggest tax increase in history, we only have to refer very quickly, Madam President to—and I was going to at length, but I only just refer to it—the article by Judy Mann in the Washington Post entitled “Fiddling With the Numbers.”

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### FIDDLING WITH THE NUMBERS

(By Judy Mann)

Gov. Christine Todd Whitman, the Republican meteor from New Jersey, had the unusual honor for a first-term governor of being asked to deliver her party's response to President Clinton's State of the Union message last week.

And she delivered a whopper of what can most kindly be called a glaring inaccuracy.

Sandwiched into her Republican sales pitch was the kind of line that does serious political damage: Clinton, she intoned, “imposed the biggest tax increase in American history.”

And millions of Americans sat in front of their television sets, perhaps believing that Clinton and the Democrat-controlled Congress had done a real number on them.

The trouble is that this poster lady for tax cuts was not letting any facts get in her way. But don't hold your breath waiting for the talk show hosts to set the record straight.

The biggest tax increase in history did not occur in the Omnibus Budget Reconciliation Act of 1993. The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

Here is how the two compare, according to Bill Gale, a specialist on tax policy and senior fellow at the Brookings Institution. The 1993 act raised taxes for the next five years by a gross total of \$268 billion, but with the expansion of the earned income tax credit to more working poor families, the net increase comes to \$240.4 billion in 1993 dollars. The Tax Equity and Fiscal Responsibility Act of 1982, by comparison, increased taxes by a net of \$217.5 billion over five years. Nominally, then, it is true that the 1993 tax bill was the biggest in history.

But things don't work nominally. “A dollar now is worth less than a dollar was back then, so that a tax increase of, say, \$10 billion in 1982 would be a tax increase of \$15 billion now,” says Gale. In fact, if you adjust for the 48 percent change in price level, the 1982 tax increase becomes a \$325.6 billion increase in 1993 dollars. And that takes it the biggest tax increase in history by \$85 billion.

Moreover, says Gale, the population of the country increased, so that, on a per person basis, the 1993 tax increase is lower than the

one in 1982, and the gross domestic product increased over the decade, which means that personal income rose. “Once you adjust for price translation, it's not the biggest, and when you account for population and GDP, it gets even smaller.”

He raises another point that makes this whole business of tax policy just a bit more complex than the heroic tax slashers would have us believe. “The question is whether [the 1993 tax increase] was a good idea or a bad idea, not whether it was the biggest tax increase. Suppose it was the biggest? I find it frustrating that the level of the debate about stuff like this as carried on by politicians is generally so low.”

So was it a good idea? “We needed to reduce the deficit,” he says, “we still need to reduce the deficit. The bond market responded positively. Interest rates fell. There may be a longer term benefit in that it shows Congress and the president are capable of cutting the deficit even without a balanced budget amendment.”

Other long-term benefits, he says, are that “more capital is freed up for private investment, and ultimately that can result in more productive and highly paid workers.”

How bad was the hit for those few who did have to pay more taxes? One tax attorney says that his increased taxes were more than offset by savings he was able to generate by refinancing the mortgage on his house at the lower interest rates we've had as a result. The 1993 tax increase did include a 4.3-cent-a-gallon rise in gasoline tax, which hits the middle class. But most of us did not have to endure an income tax increase. In 1992, the top tax rate was 31 percent of the taxable income over \$51,900 for single taxpayers and \$86,500 for married couples filing jointly. Two new tax brackets were added in 1993: 36 percent for singles with taxable incomes over \$115,000 and married couples with incomes over \$140,000; and 39.6 percent for singles and married couples with taxable incomes over \$250,000.

Not exactly your working poor or even your average family.

The rising GOP stars are finding out that when they say or do something stupid or mendacious, folks notice. The jury ought to be out on Whitman's performance as governor until we see the effects of supply side economics on New Jersey. But in her first nationally televised performances as a spokeswoman for her party, she should have known better than to give the country only half the story. In the process, she left a lot to be desired in one quality Americans are looking for in politicians: honesty.

Mr. HOLLINGS. Madam President, I quote:

The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

Because when you cut all the revenues on the one hand and then you increase all the spending on the other hand, rather than growth, growth—“growth.” That is what they are trying to come up again with. It is the same act, same scene, same players, same disaster, in this Senator's opinion. When they come up with that growth, instead of growing out of the deficit, we have grown into the worst deficit and debt, saddling us with interest costs.

Madam President, in 1981 the gross interest cost on the national debt with President Reagan—of course, he had nothing to do with that one because

that one was already made up by President Carter. But, incidentally, President Carter cut the deficit that he received from President Ford, and President Lyndon Johnson gave us a balanced budget. So I have been around when we have been cutting deficits and when we balanced the budget in this Government.

But President Reagan came to town and he was elected on the promise that, "I am going to put this Government on a pay-as-you-go plan." He said, "I am going to do it in a year." When he got to town, he said, "Oops. This is worse than I ever thought. It is going to take 2 to 3 years to do it." He cut back, and never increased that interest cost of \$95.5 billion.

I am listening to the other side of the aisle and the blame game on President Clinton about what he said and what he is doing. President Reagan said that he was going to balance the budget in a year and not add to the interest costs. Rather, he has the interest up to \$339 billion, according to CBO, and that does not take into account the increase by Alan Greenspan, the Federal Reserve, here this past week.

So it is going to be about \$350 billion, \$352 billion—\$1 billion a day. That is what it is. The interest cost cannot be avoided. It has to be paid. There are two things in life: Death and taxes. It has to be paid. But interest cost is interest taxes. You get absolutely nothing for it. The deficit this year is only conceived to be \$176 billion by CBO. We would have a \$67 billion surplus if President Ronald Reagan had not given us that birthday present of the biggest tax increase.

So here they come to town and talk about "taking a walk," "white flag of surrender," and on "life supports." I know Speaker GINGRICH gives out to the troops the right expressions around here to make on the 7 o'clock news. But that does not take over the facts. The facts remain that we are in one heck of a fix financially, and you cannot do it without taxes.

On that score, do not blame President Clinton. President Clinton came and struggled in his first year as a freshman President for a \$500 billion cut in the deficit, and there was not a soul talking about taking walks. They squatted, sat in the chair fixed, on both sides of the aisle, and would not move, would not give a vote. Then after he did that, he went about health care reform. And in health reform, yes, he recommended Medicare cuts. But he said, "I have to get health reform with it." Now they blame him.

Do you know why they blame him, Madam President? It is very interesting. Because they put out the alternative budget, the "GOP Alternative: Deficit Reduction and Tax Relief." This was last year.

You cannot get anything out of them this year except the blame game and the catchy phrases they are putting out here, and now the "white flag of surrender" and "taking a walk."

"GOP Alternative: Deficit Reduction and Tax Relief; Slashing the Deficit, Cutting Middle Class Taxes."

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Republican Alternative Budget will reduce the deficit \$318 billion over the next five years—\$287 billion in policy savings and \$31 billion from interest savings. This is \$322 billion more in deficit reduction than the President proposes and \$303 billion more in deficit reduction than the House-passed resolution contains.

Moreover, the GOP alternative budget helps President Clinton achieve two of his most important campaign promises—to cut the deficit in half in four years and provide a middle-class tax cut. The GOP plan:

Reduces the deficit to \$99 billion in 1999. This is \$106 billion less than the 1999 deficit projected under the Clinton budget.

Even under this budget federal spending will continue to grow.

Total spending would increase from \$1.48 trillion in FY 1995 to more than \$1.7 trillion in FY 1999.

Medicare would grow by 7.8-percent a year rather than the projected 10.6-percent. Medicaid's growth would slow to 8.1-percent annually rather than the projected 12-percent a year growth.

It increases funding for President Clinton's defense request by the \$20 billion shortfall acknowledged by the Pentagon.

Provides promised tax relief to American families and small business:

Provides tax relief to middle-class families by providing a \$500 tax credit for each child in the household. The provision grants needed tax relief to the families of 52 million American children. The tax credit provides a typical family of four \$80 every month for family expenses and savings.

Restores deductibility for interest on student loans.

Indexes capital gains for inflation and allows for capital loss on principal residence.

Creates new incentives for family savings and investments through new IRA proposals that would allow penalty free withdrawals for first time homebuyers, educational and medical expenses.

Establishes new Individual Retirement Account for homemakers.

Extends R&E tax credit for one-year and provides for a one-year exclusion of employer provided educational assistance.

Adjusts depreciation schedules of inflation (neutral cost recovery).

Tax provisions result in total tax cut of \$88 billion over five years.

Fully funds the Senate Crime Bill Trust Fund, providing \$22 billion for anti-crime measures over the next five years. The Clinton budget does not. The house-passed budget does not. The Chairman's mark does not.

Accepts the President's proposed \$113 billion level in nondefense discretionary spending reductions and then secures additional savings by freezing aggregate nondefense spending for five years.

Accepts the President's proposed reductions in the medicare program and indexes the current \$100 annual Part "B" deductible for inflation. Total medicare savings would reach \$80 billion over the next five years.

Achieves \$64 billion in medicaid savings over the next five years, by capping medicaid payments, reducing and freezing Disproportionate Share Hospital payments at their 1994 level.

Achieves additional savings through reform of our welfare system totaling \$33 billion over the next five years.

Repeals Davis-Bacon, reduces the number of political appointees, reduces overhead expenditures for university research, and achieves savings from a cap on civilian FTE's.

Mr. HOLLINGS. I will not read it all. I want to be accurate:

The GOP plan:

Accepts the President's proposed reductions in the medicare program and indexes the current \$100 annual Part "B" deductible for inflation. Total medicare savings would reach \$80 billion over the next five years.

And then:

Achieves \$64 billion in medicaid savings

... So you see, that was \$144 billion in savings that the President did not stand over them for to ride on.

I saw my distinguished chairman of the Budget Committee on the House side throw a duck fit. Cover it. Oh, no. He got caught off base. He was the one in December, I say to the Senator from Utah, who said: "We are on a roll. I have to meet the press, right here." He said: "We have three budgets now. When that is done, Alan"—he is talking to Alan Murray. He says, "at the same time, we are going to move onto the glidepath of zero now." Who is taking a walk? That was December, one for January, one of three budgets; we are moving, we are going, and where is his?

That is what the Senator from West Virginia wants. That is what this Senator wants. I put up mine. We ask that they put up theirs. This rings in my ears when they say take a walk, when they talk about the largest tax increase in the history of the Government. We are suffering from the largest tax increase. That is why, with all the spending cuts, even in entitlements, on the SSI, some of the programs, and domestic discretionary, try it on for size. You are going to need tax increases in order to get on top of this monster. You are going to need tax increases.

I recommended a 5-percent value added tax. I disagree with President Clinton. I think the need of the hour is just that, to get physically sound, put us on a pay-as-you-go basis and a Marshall plan for the United States. We have 40 million in poverty. We have 10 million homeless, sleeping on the streets of America. We have 12 million hungry children. We have the cities, dens of violence and crime; the land is drug infested. And we have the biggest deficit in the balance of trade. That age group between 17 and 24, 73 percent of that age group cannot find a job out of poverty. They are the hope of the land.

We need now, with the fall of the Wall and the sacrifices to occur in order to keep the alliance together, to sacrifice for ourselves. We need a 5 percent value added tax; \$180 billion could start paying down the deficit, the debt, take care of health costs, and get the country moving with respect to women and infants feeding, Head Start, and title I for the disadvantaged. Biotechnical research at NIH, they are

cutting. They are all going around being proud to cut. I do not believe in dismantling the Government.

I got the first triple A credit rating of any State from Maryland around to Texas. So I have been down the road. We know how to pay our bills. I have said time and again we need more South Carolina-led Government than Washington Government in South Carolina.

So I go along with my Republican colleagues on that particular score. But when they come around here now and they say, about welfare and pulling the wagon—that is another one. Pulling the wagon. The idea is, of course, that we here are pulling the wagon and the welfare people are all squatting in the wagon. We are all in the wagon and nobody is pulling it, except maybe the Japanese who are buying the bonds. Yes. Get trade policy, and try to go against Japan. If the Chinese want to get out of this soup that they are in on CD's, tell them to buy a few Treasury bills and the Secretary of Treasury will come over and say, "I am sorry. We didn't mean to talk. We have a special relationship."

We are in the hands of the Philistines because we have to sell those bonds to finance this debt. That is what is going on. They all know it. We are all in the wagon to the point of \$1 billion a day, and nobody is pulling it. So let us get away from that particular expression. But they do not want Government and everything else.

Another thing, then I will close. But I have to refer to this because I have the greatest respect for, and I have worked very closely with the distinguished Senate majority whip, TRENT LOTT of Mississippi.

Senator LOTT said, "Nobody, Republican, Democrat, conservative, liberal, moderate, is even thinking about using Social Security to balance the budget."

Absolutely false. They are not thinking about it; they are working on it. When I was buddied up with the distinguished Senators from Texas and New Hampshire in Gramm-Rudman-Hollings, I talked to Senator GRAMM, and the first page he gave me was an across the board cut entitlements including Social Security. I said, "PHIL, I can tell you now that is a nonstarter. You will not get a single Democrat, including me, that is going to vote for that one." So, we exempted Social Security and discretionary spending on one side and defense on the other. I knew he was particularly anxious to cut Social Security. I am particularly unanxious to cut any kind of Social Security because it pays for itself. If you want a contract for America, let us pull out the 1935 contract for the senior citizens of America. As a result of that agreement, taxes are paid, put in a trust fund, and they want to violate it.

On July 10, I offered the Social Security Preservation Act before the Budget Committee. There were 20 yeas with the Senator from Texas [Mr. GRAMM] voting nay. Then, the distinguished

Senator from Texas came along last year and introduced his Balanced Budget Implementation Act on February 16, 1993, at page S1635, and I read: "Exclusion from budget. Section 13301(a) of the Budget Enforcement Act of 1990 is amended by adding at the end thereof the following: This subsection shall apply to fiscal years beginning with fiscal year 2001."

I put section 13301 into the Budget Enforcement Act because I did not want to use the Social Security funds. We put it into statutory law by almost a unanimous vote on this floor. There were only two dissenters, but we had 98 others who supported it. But the Senator from Texas, in his own budget there, is proposing it.

Madam President, it is against the law to cite the deficit using the Social Security trust funds, but Members of Congress and the White House violate it at every level. I cannot get them to enforce the law. I do not want to go along with any constitutional amendment that violates that law, because I am talking about truth in budgeting. That is how we passed Gramm-Rudman-Hollings.

I could go on, Mr. President, but I want to yield. I will tell you, this off-Broadway show generalities and percentages fails to tell the American people the true facts about the fiscal crisis we face. I challenge them, or anyone on this side of the aisle, or on any aisle in any House, to give me a 1-year budget that only grows by 3 percent.

Republicans can continue to give us the gamesmanship and the percentage arguments, but let us cut out this blame game. There is one thing we cannot charge William Jefferson Clinton with and that is the responsibility for the deficit. He came up with a plan to cut it \$500 billion during his first year. The second year he has proposed terminating 131 programs and consolidating 271 programs into 27. He has not left much for "President" DOLE, if he ever takes over this budget in Government.

I do not believe in dismantling the Government. I think we live in the real world and we have to come out here and quit dancing around the fire. Let's end the argument and provide the American people with a 1-year budget that has only a 3-percent increase and puts Government in the black. They cannot do it without taxes.

I thank the Senator from Minnesota for yielding time, and I thank the Senator from Utah.

Mr. WELLSTONE. Mr. President, the distinguished Senator from Utah may want to speak.

Mr. HATCH. I notice the Senator from Minnesota is trying to get to an appointment. So why do we not proceed. If I could ask some comity, I know the Senator from Arkansas is waiting, too. Senator SPECTER would like to speak. I will defer my remarks until later if we can go to Senator SPECTER for a few minutes after the distinguished Senator from Minnesota, and then to the distinguished Senator from Arkansas; is that OK?

Mr. BUMPERS. Yes.

Mr. HATCH. I ask unanimous that be the case—first the Senator from Minnesota and then the Senator from Pennsylvania and then the Senator from Arkansas and perhaps myself.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

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#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be allowed to speak for several minutes—he has a plane to catch—after which I would go forward with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Minnesota for yielding for a few moments. I am about to join colleagues in going to St. Louis for an event in honor of Senator Danforth. I appreciate this time.

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#### NOMINATION OF DR. HENRY FOSTER, JR., TO BE SURGEON GENERAL

Mr. SPECTER. Mr. President, I urge my colleagues in the Senate to withhold judgment on Dr. Henry Foster, Jr., the nominee for Surgeon General, until we know all the facts. I do not believe that performing a legal medical procedure should be a litmus test for confirmation for Surgeon General of the United States.

According to news reports, Dr. Foster flatly denies what purports to be a transcript of his statement that he performed "a lot of amniocentesis and therapeutic abortions, probably near 700."

I am very much concerned about allegations that Dr. Foster misrepresented his record. If the issue is veracity and character, that may be a basis for disqualification. If the facts support Dr. Foster's statement that he has "performed fewer than a dozen pregnancy terminations, all in hospitals, and were primarily to save the lives of women or because the women had been the victims of rape or incest," then his status looks much stronger, although the White House still has to answer for its representation that he had performed only one abortion.

If some wish to deny Dr. Foster confirmation because he has performed any abortions, then I believe the Senate should debate and carefully consider whether a nominee should be disqualified where he has performed a

medical procedure which is legal under the U.S. Constitution.

I do not believe that there ought to be a litmus test which would disqualify a person from being Surgeon General if he/she has performed a medical procedure which is legal under the U.S. Constitution. It is already difficult to persuade qualified people to accept governmental appointments because so often the character of an individual is irreparably damaged by charges before the facts are known. What is printed in the newspaper, uttered on television, or heard on the radio simply cannot be erased. The facts cannot catch up with that.

I hope that the President and the Senate will give Dr. Foster an opportunity to state his case before we rush to judgment.

I thank the Chair, and again I thank my colleague from Minnesota for permitting the interruption.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just associate myself with the very, very thoughtful and important remarks of the Senator from Pennsylvania. I thank my colleague for the timely and I think judicious and very important statement that he made on the floor.

Mr. President, let me thank my colleague from Utah for his graciousness. I know he wanted to respond to some of the remarks of my colleague from West Virginia and the Senator from South Carolina.

Mr. President, let me, first of all, present a little bit of context, which I think is important to this debate. The Congressional Budget Office has calculated that to reach a balanced budget by 2002, subtracting interest that we would save from projected spending cuts, still we would have to cut a trillion dollars. The question is, where are we going to make the cuts? The question is, what kind of standard of fairness will be employed, and will this be some standard of fair sacrifice, shared sacrifice, if you will?

I have a lot of passion about this issue because I think this is the central issue of this Congress in this decade. But I think objectivity serves my subjectivity. I believe I can marshal evidence that will support my point of view, evidence that I want the people in Minnesota, our State, and people around the country, to carefully consider.

If you add to the equation the proposed \$82 billion of defense increases over the next 5 years in the Contract With America, and in addition the \$364 billion that would be required to pay for additional Republican tax cuts, Mr. President—by the way, tax cuts which I have not supported since I think it is difficult, to use the old Yiddish proverb, to dance at two weddings at the same time, and to be talking about deficit reduction while you are also in a bidding war to cut taxes yet further.

I believe the Senator from South Carolina was trying to speak directly to that contradiction.

Then we have \$1.481 trillion of cuts before us. The question that the people in Minnesota and people around the country deserve an answer to is: Where are we going to be making the cuts? Who is going to be asked to sacrifice? Is it going to be by some standard of fairness? What is its impact going to be on people in Minnesota and around the Nation?

So far, Mr. President—and I would say this to my colleague from Arkansas who has been really trying to push hard for defense and other cuts to be made according to some standard of fairness—so far, what the Senator from North Dakota has called the Republican credibility gap really sort of just stares you in the face, because all we have heard so far from Republican proposals is that there will be \$277 billion of cuts. Not as in tax cuts, but budget cuts.

So on the one hand we have \$1.481 trillion of budget cuts that have to be made to have a balanced budget in the year 2002 and so far the only thing we have had listed is \$277 billion.

Mr. President, that is one huge credibility gap. That is \$1.200 trillion to go.

Mr. President, given this credibility gap, it is in this context and knowing that we would be involved in this historic debate that, from the very beginning of this 104th Congress, I have tried to push forward on the idea of accountability.

Mr. President, what I worry about is simple. Given a bidding war to cut taxes, given a bidding war not to decrease the Pentagon's budget but to increase the budget, understanding full well that Social Security is not going to be a part of this plan and is taken off the table, understanding that interest that we have to pay on debts can't go unpaid, then it is crystal clear to me that there are only a relatively few other areas where cuts can take place.

Mr. President, my concern is that the deficit reduction that will take place and the way in which we will meet a balanced budget deadline, if in fact we pass this balanced budget amendment, will be to make the cuts according to the path of least resistance; that is to say, ask some of the citizens in this country to tighten their belt who are least able to tighten their belt.

Mr. President, I came to the floor early on in the session and I had an amendment on the unfunded mandates bill. It was a sense-of-the-Senate amendment that we in the U.S. Senate would go on record that we would not pass any legislation, make any cuts that would increase homelessness or hunger among children. I could not get a majority vote. It was defeated on essentially a party-line vote. I want people in the country to know that. I could not get a majority vote.

Then I had another amendment that said if we are going to talk about accountability, we ought to have a child

impact analysis. When we pass legislation out of committee, if there is a report that accompanies that legislation, there ought to be a child impact statement. Mr. President, I could not get a majority vote for that.

Then I came to the floor several weeks ago and offered a motion very similar to the amendment that our leader, Senator DASCHLE, has presented, which is now before us.

This amendment came straight from our State of Minnesota, where the Minnesota State Senate unanimously, and the House of Representatives, I think, three votes short of a unanimous vote, signed by the Governor January 20, sent a resolution here. I took the wording of that resolution and brought it to the floor of the Senate as an amendment which essentially said that if we pass a balanced budget amendment, before we send that amendment to the States, we should present to the States a detailed analysis of the impact of this amendment on our States.

Where will the cuts take place? What is the budget over the next 7 years? How will it shape the lives of the people we represent? Will this become some shell game where a State like Minnesota sees cuts, and then is required to raise taxes to make up the difference?

Under the balanced budget amendment, there will be cuts in higher education, in K-12 education, child nutrition programs, early childhood development programs, veterans programs, agriculture programs, health care programs, and others on which regular middle-class Minnesotans depend. No question about it. In fact, they would have to cut them 30 percent across the board to reach this target, given the parameters that have been set.

By the way, Mr. President, nowhere in the Contract With America, and not once in the debate that has taken place in the Senate from those who have been pushing so far for a balanced budget amendment, have I heard any analysis of all of the benefits of the tax loopholes and deductions that go to large corporations and large financial institutions in America. We will cut child nutrition programs; school lunch and school breakfast; women, infants, and children's programs, but we will not cut subsidies for oil companies.

Mr. President, this is the reason there is such resistance to this right-to-know amendment. I raise the question again on the floor of the Senate: What is it that we do not want the people in our States to know? Were the Minnesota Legislature, Democrats and Republicans alike, and the Governor correct in saying before they send the balanced budget amendment, please present an analysis of the cuts that will be ahead, and how it will affect our States so we know what we will have to pick up through an income tax or sales tax or property tax? And we are not willing to do that. That goes against the very essence of accountability.

Now, Mr. President, about a week ago, I filed a motion that I will make on the floor of the Senate at the appropriate time that would refer this House joint resolution to the Budget Committee with instructions to report it to the Senate with a report containing a detailed description of the 7-year budget plan.

I say to my colleagues, here is the one irony to the debate. There are many ironies, but here is one central irony. If we believe, and many do, that State legislators and Governors ought to understand the impact of this balanced-budget amendment, if we agree that they have a right to know exactly what it is that they will be voting on for ratification, if we agree that decisionmakers ought to know what they are voting on, if we agree that the people back in our States ought to have an understanding of what exactly is going to happen, where will the cuts take place, and how will it affect them, then it seems to me that we as Senators ought to also know what the impact of this plan will be on the people we represent before we vote on it.

That is why sometime during this very historic debate, I will move to refer this to committee so that the Budget Committee can present to Senators a detailed 7-year plan on how to get to balance by the year 2002, and then we will know what we are voting on.

Mr. President, I am not in favor of constitutional amendment, for all the reasons that Senator BYRD and others have spelled out, I think in a more profound way than I can. But as far as deficit reduction and moving toward balancing the budget, of course we should do that. But how can anyone vote on it until we know what the choices are? If we were going to have cuts in the Pentagon budget, if we were going to look at tax expenditures, if we were going to look honestly at how we knew to raise revenue, or if we were going to do this by some standard of fairness, I might be all for it; that is to say, an effort to move toward balancing the budget. But there is no accountability here.

Now, Mr. President, in the last part of my remarks today, I want to speak to one issue that I think tells the large story of what is going on. I also want to ask unanimous consent that the amendment that I will be filing today be printed in the RECORD. It would, at the appropriate place in section 1 of this balanced budget amendment, amend the section which reads "total outlays for any fiscal year shall not exceed total receipts for the fiscal year unless," to add "unless a majority of the whole number of each House of Congress shall determine that compliance with this requirement would increase the number of hungry or homeless children." I believe we should all be held accountable on this issue.

It seems to me a reasonable proposition that we do not want to do anything that would increase hunger or

homelessness among America's children.

Mr. President, I will file another amendment, and I am not sure I was clear in my unanimous consent. I would like to have both amendments printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will file another amendment that will say again, in the same place as the first, "a balanced budget unless a majority of the whole number of each House of Congress shall determine that compliance with this requirement would not provide for the common defense and promote the general welfare."

Mr. President, that comes from the Preamble to the Constitution and from section 8. When we are talking about the general welfare, it strikes me that if it becomes clear that we are going to cut Medicare, cut Medicaid, slash and burn, make higher education not affordable for young people, cut into child nutrition programs for our children, we are moving away from investing in our people, in our communities. That has had a lot to do with the general welfare.

Mr. President, there is one issue that I do not think has been discussed thoroughly on the floor that I want to talk about for a few moments, and then I want to yield because I know Senator BUMPERS is anxious to speak. That issue is Medicare.

Mr. President, let me be crystal clear with my colleagues: You cannot dance at two weddings at the same time. You cannot say you are for this balanced budget amendment but you are unwilling to lay out where you will make the cuts. But you already made it clear you want to increase the Pentagon budget, you already made it clear you want tax cuts, you already made it clear that Social Security is off the table, and then we look at the big expenditure items that are left, and Medicare is clearly one of them. Of course, Medicare will be cut deeply.

Now, let me take Members back to last year's debate. We had some health care proposals, the single-payer plan being one of them, about which the Congressional Budget Office and General Accounting Office, depending on which estimate we want to look at, talked about projected savings of up to \$100 billion a year.

And Mr. President, we had other health care proposals—for example the President's plan—that talked about putting a limit on insurance company premiums. Some of us during that debate were talking about how we could contain costs. The single-payer plan contained health care system costs while also providing universal coverage with choice of doctor and a huge administrative savings. But, granted, the insurance companies would have to give something up.

And that's why Mr. President, very early on in the health care debate, the

whole issue of how we contain health care costs by putting some limit on insurance company premiums was taken off the table. Huge amounts of money were pouring into the Congress in the form of campaign contributions. We saw a huge amount of lobbying from powerful interests. No way were they going to see any of their profit hurt. So what happened was, the special interests made the argument that premium limits—the only way you can do cost containment—would lead to rationing. What they neglected to say was that rationing only happens when you limit spending on one population without limiting the spending on the whole system.

Mr. President, I want to be clear on the floor of the Senate today that the very Senators who were most vociferous in their opposition to universal health care coverage—and we could not do universal coverage unless we could contain costs—the very Senators who blocked that legislation, the very Senators who yelled about rationing, right now when it comes to deep cuts in Medicare and Medicaid, which will lead to rationing among the elderly and the disabled and the poor, have nothing to say.

Their silence is deafening. And Mr. President, here is why. Looking at some Treasury Department estimates, total Medicare cuts would total \$404 billion between 1996 and 2002. Medicare cuts in 2002 alone would equal \$106 billion. That translates into roughly \$10,000 per senior citizen over a 7-year period.

I hope that I was clear with these numbers. Let us not be fooling people in any State. I do not want to fool people in Minnesota. There are going to be deep cuts in Medicare. There have to be. There is no way you can get there any other way: \$404 billion between 1996 and 2002; \$106 billion in 2002.

Now, there are a number of ways that you could make these cuts. And none of them makes any sense in a country where we are trying to improve coverage and contain total system costs. One of the ways you could do it would be to reduce provider payments. Most hospitals—and I know, Mr. President, that you know this, especially in rural Minnesota—are already reimbursed by Medicare at less than cost. Let me just say this as best I can. We should be trying to improve health care in this country, not ruin it. When you cut the Medicare reimbursement, either your hospitals close—especially your rural hospitals—or your providers have to make it up some way, and this leads to charge shifting. Those people who have private health insurance are charged more and then their premiums go up and then less people can afford it. That is where we are heading.

Not only are we going to have this kind of vicious cost shifting, but in addition, those people who are going to be most severely hurt by these severe cuts in Medicare are going to be precisely the rural and public hospitals

that have been providing care to those citizens who have had the least care in this country and who have the most trouble accessing services.

A few days ago, I met with John Stindt, the CEO of Swift County-Benson Hospital in Benson, MN. Swift County-Benson is a small rural hospital 30 miles from Willmar, MN. Seventy-five percent of Swift County's revenues come from Medicare and 11 percent from Medicaid.

Last year they had a loss of \$148,000 from operations. They have two family practice physicians and are desperately trying to hire more to handle their patient load. Mr. President, they do not have any room for any further cuts. Do not ask people who cannot tighten their belts to tighten their belts. Do not sacrifice the health care of citizens in this country who most need it. Cut the oil company subsidies, cut the insurance company subsidies, cut some of the large global corporation subsidies. I do not hear a word about cuts there. Deep cuts in Medicare, that is what is going to be. That is exactly the direction we are going in and that is why our colleagues do not want to spell out where they are going to make these cuts.

Mr. President, I lived 20 years in Northfield, MN and I can just tell you that severe cuts in Medicare are going to have just a cruel impact on rural communities. Hospitals in communities like Rush City, Aitkin, Grand Marais, Comfrey, Karlstad, Virginia, and Bigfork are all struggling to make ends meet.

Closing down local hospitals does not make a lot of sense, either from a health care or an economic development perspective. There was an article in the Minneapolis Star Tribune entitled "When a Hospital Closes Its Doors." It talked about a hospital in Karlstad that closed last week because of financial difficulties—low Medicare reimbursements—and the inability to recruit doctors. It left a northwestern community in shock and limbo.

Mr. President, in Minnesota, 10 percent of the population already lives 30 miles from their doctor. We are seeing an increased reliance on helicopters to move people from rural areas to our cities to get care. It is not cheaper to transport people by helicopter. And in Minnesota, helicopters cannot fly in the fog and in the snowstorms.

We should be supporting community-based health care, not dismantling it. The reason that many of my colleagues do not want to vote for a right-to-know amendment and lay out where the cuts will take place and the impact these cuts will have on people that we represent is because they know we are going to have to make these cuts, they know it is wrong, they know what its impact will be and they are unwilling to step forward and be accountable.

In Minnesota, there is a shortage of 300 physicians and 180 midlevel providers in the rural communities. Places like University of Minnesota Duluth do

a phenomenal job of training and retaining family practitioners who practice in rural communities. But, they need more than a pat on their back and a cut in their training budget to continue this work.

There are a number of other ways that these cuts will take place, but I just want to focus on one other. One option is to shift more of the cost back on the beneficiaries. Seniors already spend close to 25 percent of their household incomes on health costs, about \$2,803 per person, and I am not including the health care costs of people that are in nursing homes.

I have received more than 1,000 letters from elderly citizens in Minnesota who are concerned about Medicare costs. Let me just read a few of them. A couple from Detroit Lakes, MN, writes:

DEAR SENATOR WELLSTONE: My husband and I are concerned about Medicare cuts. When we reached 65, we were advised to sign up for Medicare, so we did, also taking out medigap insurance. We pay over \$3,000 for medigap insurance plus the Medicare that is withheld from our Social Security. Medicare is a great help to decent taxpaying people. The GOP have a contract for the American people. We feel that Social Security and Medicare is also a contract with the American people.

A woman from Coon Rapids writes:

We paid into both Social Security and Medicare all the working years of our life. Reducing the deficit must be done in a fair and balanced way. They did not ask our wealthiest citizens and corporations to share the burden by giving up their tax loopholes.

And she is absolutely right, absolutely right. Not one word, not one word in the Contract With America asking large corporations to share.

And finally a woman from Watertown, MN:

I am writing to you about the proposal to cut Social Security and Medicare. I hope you will say no to these unfair and irresponsible cuts. I am 86 years old. My husband and I worked hard all our lives. He died 8 years ago after being in a nursing home for 5 years. That took all of our savings. I receive \$489 a month from Social Security and I think I have saved enough for my funeral. We never wanted to be a burden to our children or anyone else. I recently had to go on medical assistance. I have enjoyed good health, and I am a foster grandparent to a child center three mornings a week. We never missed voting and really worked hard for conservation and betterment of our country. I hope this has not inconvenienced your time. Perhaps you did not find time to read it, but I surely hope you will vote "no" on that proposal.

Well, Mr. President, for me that letter pretty much says it all. And, of course, we hear discussions about also restructuring Medicare. I'm willing to hear some more details on this—none of which have been outlined for us—but it sounds to me like a poorly disguised way of forcing seniors into managed care and cutting their benefits. Managed care should be an option for seniors—not a mandate.

I conclude this way with first, a policy discussion and second, a ringing denunciation and enunciation.

Policy statement: We will have premium death spiral in health care if we go forward with this balanced budget amendment which will necessitate deep cuts in Medicare. What will happen is we will have to reduce the payments for our public programs—and many citizens are dependent on those programs—and providers will cost shift to those of us who have private insurance. The insurance premiums will go up, fewer people will be able to afford coverage and the base of payers becomes smaller and smaller. Then you get more cost shifting and premiums keep going up.

Mr. President, last session we were talking about universal health care coverage. We were talking about decent health care for our citizens. And last session, when we tried to do that, my colleagues, too many of them, talked about rationing. They said cost containment would be rationing—a catastrophic end to quality health care. Now we really are about to ration because we are talking about cuts for only certain programs. Now we are about to ration care for the elderly, ration care for the poor, and ration care for the disabled. But do you hear any of those same voices yelling now? No. As I said before, their silence is deafening.

I come from a State that had probably one of the greatest Senators ever to serve in the Senate, Hubert Humphrey. Hubert Humphrey said the test of a government and the test of a society is how we treat people in the dawn of their life, our children; in the twilight of their life, the elderly; and in the shadow of their life, people who are struggling with an illness or struggling with a disability or those who are needy and those who are poor.

I did not come to the Senate to vote for a balanced budget amendment—which is essentially a pig in the poke—when I do not even know what it means, and when I have no idea as a decisionmaker where the cuts are going to take place. I know full well, given the parameters of what has been laid out, that some of the deepest cuts and some of the cruelest cuts will have to affect the very people that Senator Humphrey talked about. I am not going to be a Senator who is going to vote for cuts directly or indirectly in nutrition programs for children, and I am not going to be a Senator who is going to vote for cuts in a way that takes one of the most successful parts of health care in this country and begins to dismantle it. I am talking about Medicare.

My mother and father both had Parkinson's disease, and every time I hear people criticize Medicare, I remember that for them Medicare was the difference between being able to make it and utter financial chaos and disaster.

So, Mr. President, I just want to remind my colleagues that this amendment in the Chamber right now, the minority leader's amendment, which has been superseded by the majority

leader's amendment, is right on the mark.

It is irresponsible, it is not being accountable, it is not being straightforward to vote for a balanced budget amendment unless we have the courage to lay out specifically where those cuts are going to take place, what kinds of choices we are going to make, and how it affects the people we represent. For my own part, I think people have made a big mistake. I think this 2002 date makes very little sense, given the parameters that have been spelled out. For myself, we need to have deficit reduction, and we need to invest in our people. That is the challenge for us, and we should do it. But we ought to be straightforward and lay out for the people in this country what that means to them. That I think is the only responsible approach to take, and as a Senator from Minnesota that is the position I take in this debate.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, there is a great story about Winston Churchill. It is probably apocryphal. Somebody was introducing him one night at a dinner, and they alluded to his drinking habits. And whoever it was that introduced him drew an imaginary line on the wall and said, I bet if all the whiskey Winston Churchill had drunk were put in this room, it would fill this room up to this mark. Churchill looked at that line, looked at the ceiling and said, "Oh, so much to do and such a short time in which to do it."

Now, here we have a constitutional amendment, and everybody has said everything that needs to be said—well, I guess everything that needs to be said has been said but everybody has not said it. So I come late to the debate, 10 days after it began, to put in my 2 cents' worth and express my undying opposition to this proposal.

When it comes to the Constitution of the United States, I belong to the wait-just-a-minute club. I confess that I voted for a constitutional amendment early on in my career in the Senate. I would not do it again.

I have taken plenty of political heat in my lifetime. I remember that great school prayer amendment in 1984 which would have allowed the school board or the State legislature to compose prayers or adopt prayers composed by others and demand their recitation by the students in school. And now it has become so commonplace to offer an amendment to cure every seemingly intractable problem.

As to the Contract With America, I join my colleague from West Virginia. I am not a party to that contract. My contract is with the people of America: the Constitution of the United States. But right in this session, there is a proposal to require a balanced budget, which is the debate now, a proposal to again address the prayer in school issue, and a proposal to limit the terms

of Members of Congress, which I also consider to be a very bad idea. Every time we demonstrate to the people of America that we do not have the spine or the political courage to deal with a pressing problem, somebody says, "Well, let's amend the Constitution."

In 205 years, Mr. President, the Bill of Rights, the first 10 amendments to the Constitution, have not been tinkered with. So far as our Constitution is concerned, 205, coming on 206 years old, we have amended it 27 times including the 10 amendments which constitute the Bill of Rights. So actually, the people of this country in their infinite wisdom have seen fit to tinker with the Constitution only 17 times.

When you take out the constitutional amendment that said, "We will not drink," and the ensuing constitutional amendment of 1933 that said, "We will drink," only 15 times in 205 years have we chosen to tinker with this very precious document. There is a fellow named Robert Goldwin at the American Enterprise Institute. I do not know him, but I was reading an article by Robert Samuelson the other day where he quotes Robert Goldwin as saying, the first principle of a conservative should be "Don't muck with the Constitution."

Now, I do not agree with the American Enterprise Institute very often. I do not always agree with Robert Samuelson. But I can tell you there is infinite wisdom in that statement for everybody who considers himself or herself a conservative. "Do not muck with the Constitution."

When the House of Representatives came back into session, and Speaker GINGRICH told Members of Congress that they ought to read some of these early documents. Two that he mentioned were the Federalist Papers and Alexis de Tocqueville's "Democracy in America."

I read those in political science 103A. I read them again in law school, and have read them a couple of times since then. The Federalist Papers, written by James Madison, Alexander Hamilton, and John Jay, were published in New York newspapers explaining to the people what the Constitution would do, and why they ought to vote to ratify it. New York and Virginia were key States and were absolutely essential for the ratification of the Constitution.

Incidentally, do you know how old James Madison was when he wrote that magnificent series of papers? Hamilton wrote most of them. Hamilton was 31, and Madison was 37. I think John Jay was the old man in the crowd, and he was 44. But the point is that the most important point that Madison made in the Federalist Papers was that we have three separate branches of government, and we have created all these checks and balances so that one branch does not run amuck or usurp the powers of another. He said we should let the President nominate Supreme Court Justices, but Congress is the one that is going to have to sign off on them.

Time after time Madison returned to the theme of checks and balances. Lets not muck with it now.

I will come back to this in a moment. There is absolutely no question that this amendment is utterly foolish, totally unenforceable, unless the courts, the judiciary branch of Government, enforce it. Who wants that? You go back home to the coffee shop, Senators. Go home this weekend and walk into small town America in the coffee shop, and say, "We are passing that balanced budget amendment up there. We are going to get our house in order."

Maybe some old farmer or small business owner says, "Well, now, Senator, how you going to enforce that amendment?"

You say, "Well, we are going to let the courts do that."

And he is going to say, "Wait just a minute. Are you telling me that you people are so spineless that you cannot deal with this deficit, and so you are going to put a few words in the Constitution and buck it over to the courts?"

I promise you that you just lost his vote.

If there is anything America does not need or want it is for the Court to say, "Congress, you must raise taxes. Congress you must cut spending." Where? When? How much? In what programs? It is the height of folly.

You know sometimes we all ought to go listen to the folks at the coffee shop more often. I never will forget in 1979 speaking to the Nevada County Cattleman's Association. Jimmy Carter had just imposed a grain embargo on the Soviet Union. I voted for it. I thought, "We will show those Soviets." And the embargo had an effect precisely opposite what we expected. It did not bother the Soviets at all. They just bought wheat in other places, and the American wheat farmers saw the price of their product go down dramatically.

So this old cowboy said, "Senator, you voted for that grain embargo against the Soviet Union?"

I said, "Yes. I did." By that time, I knew I had done the wrong thing, and, I said, "I am sorry about that. I will never do it again."

Then he said, "I hope you won't Senator, because I think a fat, happy Russian is a lot less dangerous to us than a starving Russian."

I said, "You are wiser than most of the people I serve with in the U.S. Senate."

I remember in 1981 when President Reagan came to town, he said, "We are going to grow our way out of this deficit. We are going to have an economy so hot people will be paying more taxes, and we are going to balance this budget in nothing flat." That was in 1984. Those were his words. They were not mine.

Ronald Reagan is the one who said we will balance the budget by 1984, and that we might even do it in 1983. I remember it so distinctly. When we

asked him how, he said, "We are going to cut taxes, double defense spending, and balance the budget." And with the utmost respect to everybody who was here at the time, I say it was a lunatic idea; sheer lunacy. When I die I want my epitaph to say, "DALE BUMPERS was 1 of the 11 Senators in the U.S. Senate that voted no." Very shortly after that vote we saw the deficit start zooming. That was \$3.5 trillion ago, Senator; 14 years and \$3.5 trillion ago that we were told that was the way to balance the budget.

Did you know that if we had not done that, if we did not have those mammoth deficit increases during the 12 years before Bill Clinton became President—the deficit today would be \$800,000, less than \$1 million. Virtually every dime of the interest we are paying on the national debt today is due to the deficit from 1981 to 1992.

So everybody says, well, we mucked that up. We forgot something. What did we forget? We forgot to put a few words in the Constitution.

Mr. President, you could put all the words in the Constitution you want to put in, and it will not matter. I do not mean to be denigrating to anyone, but I can tell you what this is all about. It is about two or three things.

No. 1, it is about putting the balanced budget amendment into the Constitution, your simply declaring that we will achieve balance by the year 2002. Then everybody hoped and assumes that by the year 2002 the American people have forgotten what was said in 1995.

No. 2, what we are in effect saying is that we do not have the spine or the courage to do what we have to do to get the deficit under control. Therefore, let us put a few words in the Constitution that we can hide behind for at least another 7 years. Members will say, "I probably will want to be out of here then anyway, so what difference does it make?"

Finally, Mr. President, the Contract With America says we will amend the Constitution, and we will balance the budget by 2002 or 2 years after the States ratify the Constitution, whichever is later.

I want you to think about that. What does that mean? It means that the people who are championing this amendment and saying "Trust me," are also saying that we will cut spending by \$1.6 trillion to \$2 trillion over the next 7 years, and we will do it while increasing defense spending and we will not touch Social Security, and obviously, we cannot touch interest on the debt.

So what does that mean? That means that at least 30 percent of all the rest of Government spending has to be cut. There is not one person in this body, Republican or Democrat, who believes that is even remotely possible—not even remotely possible. Yet, we plow ahead asking the American people to not probe too deeply into what we are doing here, hoping they will not expose us for our hypocrisy and our cynicism.

When the year 2002 rolls around and the deficit is still soaring, we will have done exactly what Alexander Hamilton said we should guard carefully against, and that is: Do not raise people's expectations beyond the point of fulfillment. Every time you promise the American people something you fail to deliver, they become that much more cynical.

Mr. President, let me show you a chart here regarding the space station. Everybody knows that I think the space station is an utter waste of money. I saw the picture this morning of the Russian cosmonaut waving at the American astronauts. That is heady stuff—sending a shuttle up there and to come within 35 feet of the Russian space station *Mir*. I do not want to berate the space station, but that is the seventh space station Russia has had orbiting the Earth. One guy aboard has been on it 2 years. We say we want to put one up there, too. That is going to cost about \$70 billion.

So last year, 63 Senators voted for a constitutional amendment to balance the budget, yet within 3 months, 43 of them voted to plow ahead with this \$70 billion boondoggle, the space station. Some of the other amendments I offered last year to cut spending were just as embarrassing, or more so. So now we have people saying, "Well, it did not work in 1981 when we proposed to cut taxes, raise defense spending, and balance the budget. But this time we really mean it, and we are going to put some words in the Constitution, and now it will work." Some very wise reporter here in Washington has properly called it *deja voodoo*.

You remember the comedian Flip Wilson, who use to say "The Devil made me do it!" I suppose people in this body think that in the future when they have to make the tough choices and cut spending, they will have the Constitution to rely on. They can go home, and when everybody is irritated because their program got cut, they can say, "The Constitution made me do it!" If we just put a few lines into the Constitution, you can go home and say, "We had to cut Medicare, Social Security, and all of those things because the Constitution made me do it." But did it? Will it?

This proposal, as the Senator from Utah well knows, provides that if 60 people in this body want to vote to unbalance the budget, the budget will be unbalanced and we can have all the deficit spending we want. If you do not think they will do that, look at this chart. This bar represents the 60 votes it would require to unbalance the budget and these bars represent the votes we made on the 13 appropriations bills last year. The lowest vote on any appropriation bill was 71. On average the appropriations bills, where we do the real spending, passed with 84.5 votes.

So, do you think the Members of the Senate are not going to vote to unbalance the budget if it means a cut in Social Security and Medicare? When you

mention those two programs, 100 Senators dive under their desks. Let us assume, for the sake of argument, that 60 Senators will not vote to unbalance the budget. Where does that leave you? Let us assume that the economy is in a recession, as it was in 1929 and 1930 and 1931, and only Government can bring it out and avoid a depression. So somebody comes on the Senate floor and says we have to vote for spending money we do not have because people are homeless, out of work, and they are hungry; we have to vote to unbalance the budget until we get over this recession. Forty-one Senators—a very slim minority—can say, no, we are not going to unbalance the budget. Forty-one Senators can bring this country to its knees by refusing to address a dramatic economic crisis in the country.

Do you know another thing I remember about the Reagan years and the Carter years? Senators, especially on that side of the aisle, decided they would quit voting to raise the debt limit to match spending. That's liking going into a restaurant and eating the biggest steak and when they bring the bill, you say, "I am not going to pay it." So everybody thought this it would be a great campaign issue to vote not to raise the debt ceiling. They said, "I voted for all these appropriations bills, all the spending; but now I have decided I am not going to vote to raise the debt ceiling." That happened five times in 5 years. And one time we brought the Government to a halt over the weekend and a good part of Monday and Friday, and it cost the taxpayers of this country \$150 million. That is just peanuts compared to the damage we risk under this amendment. Under this amendment, 41 Senators can bring this country to its knees.

Do you think when that thing comes up on the floor, though, and somebody says we are going to have to cut Social Security 10 percent, cut 20 percent out of Medicare, we are going to have to close 18 veterans' hospitals, we are going to have to cut back civil service pensions, do you think 60 Senators will not vote in a minute to unbalance the budget?

(Mrs. HUTCHISON assumed the chair.)

Mr. BUMPERS. Madam President, to the lay people who may not understand the workings of Congress, here is the way it works. The Budget Committee goes into session when we first come into session, and they decide what revenues next year are expected to be, how much we are going to take in. And then they go through the various budget functions and they say, here is how much we are going to spend. And they say, in order to have a balanced budget, we have to cut spending by this amount. Let us assume, just for easy figuring, that they say we are going to have \$2 trillion in revenues and here is our \$2 trillion in expenditures, the budget is balanced.

They bring it before the Senate. It passes by a lopsided majority. We pat

ourselves on the back, give ourselves the good Government award, and go home happy as a clam.

Then, October 1 rolls around and it looks as though the economy is not doing so well. Within 5 or 6 months, it is obvious that we are going to have a \$50 billion deficit.

So what happens? Well, somebody goes to court and says, "Why, those clowns told us they had a balanced budget, and look here. They are going to run a \$50 billion deficit."

Who can sue? First of all, will the Federal courts have jurisdiction? We do not know. Not one person in this body can answer that question.

Second question: Who has standing to challenge the budget in Federal court? Everybody? Taxpayers? State and local governments? Foreign nationals? We do not know.

Third question: What will we do while the current budget is tied up in court? We do not know.

Fourth question: How will the amendment force Congress to reach an agreement as to what they are going to cut or what tax hikes they are going to adopt? We do not know.

Fifth: Would the courts find that enforcement of the balanced budget amendment is a political question on which they refuse to rule? We do not know.

Sixth question: Can the Congress just ignore the amendment as drafted, and go merrily on their way? They probably can, and they probably would.

Another scenario: Let us assume that even before October 1, in the beginning of the year 2002, as soon as Congress adopts the budget resolution, 6 months before October 1, somebody says, "Why, you guys are crazy. What are you talking about? You're projecting a \$2 trillion income. You're not even going to come close."

They go to court even before the year starts and say, "Those people are mucking with the figures, cooking the books. They say they are going to have an income of \$2 trillion when they are going to be lucky to have \$1.9 trillion. Make them do it right. Make them cut more spending or raise taxes."

And let us assume for the purposes of argument that court then says, "You're right. I agree with you. Those people have overestimated revenues by \$100 billion," and issues an order to Congress to close the gap and Congress does not do it. Can the court raise taxes to make us comply with this amendment? Maybe.

Would that not be a beautiful thing to see? Would that not be something? James Madison would be whirling so hard in his grave, it would be like a fan in the kitchen. He would be saying, "What have those clowns done to abdicate their responsibility to another branch of Government, the one thing I warned against?"

Madam President, I could go on with scenarios like this.

Senator JOHNSTON has an amendment that is going to clarify this. It is going

to say the courts can take jurisdiction over these questions. I think it ought to be clarified. Can they or can they not? And if the courts cannot take jurisdiction, if the courts have no role to play in this, who is going to enforce it? There is nobody left but us. If we are the ones that are already flagrantly violating the constitutional amendment we are debating here today, we are flagrantly violating it, do you think we are going to correct it?

Let us assume, finally, one further scenario. Let us assume that my colleague, Senator PRYOR over here, is so upset about the fact that he does not believe we have a balanced budget, and maybe the court has already said "You are right. The budget is \$100 billion off, but this is a political question and we are not going to get involved in it. This would be meddling in legislative affairs and we are not going to do it."

So then Senator PRYOR goes to court and says: "I want an injunction to prevent the Treasury Department from issuing one single bond, T-bill, or note to pay off that \$100 billion deficit for this year."

A court might take jurisdiction of a case like that. The plaintiff would simply be saying that if compliance with the balanced budget amendment is a political question and the courts are not going to make Congress pass a balanced budget, then keep them from doing anything, namely, issuing scrip, bonds, notes to cover the deficit.

Some will say the courts will not do that, but in fact they already have. Most people here have heard of Missouri versus Jenkins, the Kansas City segregation case where the courts ordered the city of Kansas City to raise taxes. The Supreme Court affirmed it.

You know something, Madam President, if I went home to that same coffeshop I talked about a moment ago and I told my friends sitting around the coffee shop in Charleston, AR, that the effect of this amendment would be to turn the budget over to the courts and the courts would have jurisdiction to raise taxes or cut spending, the balanced budget amendment would not have a 75-percent approval rating; it would be lucky to get a 25-percent approval rating.

Madam President, we keep dealing with distractions and issues that are not relevant to the real problems of this country.

The Contract With America has some things in it which are legitimate and which Democrats ought to join Republicans in passing, as we have already done on the congressional compliance question. In thumbing through the Federalist Papers yet once again this weekend, I found that James Madison talked considerably about the House. Strangely, he did not say Congress or the Senate. He said the House of Representatives should be very careful not to pass a law from which they are protected.

So we are 205 years late passing a bill to make us comply with the laws other

people have to comply with, and I was happy to vote for that bill.

But this idea that we are going to do middle-class tax cuts—when it comes to doing what is popular, Madam President, let me tell you something that is interesting. Seventy-nine percent of the people say they favor a balanced budget amendment to the Constitution. Over 80 percent favor the right-to-know amendment, which is the pending business here. The right-to-know amendment simply says if you people in Congress are so hot for this amendment and you can balance the budget by the year 2002, you tell us now how you are going to cut between \$1.5 and \$2 trillion between now and the year 2002.

That is an absurdity on its face. It is as utterly impossible as my soaring out of here into the heavens, flapping my arms.

We have a right to know. And the reason everybody is silent is because they do not have a clue as to how they would even come close to cutting that kind of spending. It is ridiculous in the extreme.

Yesterday, the Joint Tax Committee, which does the best job of estimating, says the Republican tax cuts over the next 10 years—listen to this, I say to the Senator—those tax cuts are \$704 billion. Add that to the trillion-dollar base line just for the first 7 years, \$704 billion in lost revenue for the middle-class tax cut plus the capital gains tax cuts and the IRA's. That ought to cause people to wake up screaming.

What is the biggest item on the budget now? Interest. Interest on the debt. But talk about how popular this amendment is, the right to know is popular, too. Know what else is popular? The idea that if we can find \$80 or \$200 billion in spending cuts to provide for a middle-class tax cut, we should apply that money to reducing the deficit, rather than a tax cut. And 81 percent of the people favor that idea, Senator.

I disagree with the President's budget to this extent. I am not willing to accept \$190 to \$200 billion a year in deficits for the next 7 or 8 years. We can do better. We can do a lot better. I have seven bills pending that will save \$133 billion over the next 15 years, \$33 billion over the next 5 years.

Madam President, we have big problems. We have a crime problem. We have welfare problems. Our educational system has been failing miserably. Our culture is degenerating. On that point, is it not curious that when people are becoming increasingly uncivil to each other and we have crime on every street corner, the proposals in the House are to cut funding for the Corporation for Public Broadcasting, the one station we can watch without getting blood all over ourselves. One small piece of culture left, and they want to torpedo that.

That is not enough. They want to abolish the Education Department. Take ourselves back to the stone age

while we are at it. And abolish the National Endowment for the Arts, without which the State of Arkansas probably would not have the Arkansas Symphony. Who cares about the old music that Bach and Beethoven and all those guys wrote 200 or 300 years ago? Get rid of that, too. The National Endowment for the Humanities who gave Arkansas a \$50,000 grant when I was Governor and allowed Betty Bumpers to start artist programs in every first grade in the State. Get rid of that. What are we doing teaching first graders about art? What a waste. They are trying to scrap every smidgen of culture left in this society.

There are not any words that we can put into the Constitution, Madam President, that are going to stiffen one single spine. Not one word in the Constitution will make somebody vote against Social Security or the space station, the latter, particularly if there is a contract providing 500 jobs in your State. No, words in the Constitution do not change people's character. We vote for what is popular around here.

James Madison, again, "Do not take that stale bait of popularity \* \* \*," as opposed to what is best for the country. Many of the people of this country think there is enough waste, fraud, and abuse to balance the budget. A lot of them think if we change our salaries and the pension fund we could balance the budget. Take away our airport parking, install term limits. With issues like that, nobody will notice much of anything we do around here.

In August 1993 we did something that we are asking the Republicans to do this year. I will never forget the month or the year. We said we would get the budget deficit going down, and keep it going down. We said we would do that by raising taxes on the wealthiest 1.2 percent of the people in this country by \$250 billion, and cutting spending by \$250 billion. And we did it. We did it just before the August recess. I voted for it, unhappily. Even though we told people exactly what we were going to cut, exactly what the tax hike would be, we still did not get one single Republican vote. Not one.

Now the \$500 billion in deficit reduction we promised over the next 5 years, has turned into nearly \$600 billion, maybe headed for \$700 billion. It was the most courageous thing, the most important thing that has been done since I have been in the Senate.

I have screamed my head off about the deficit. I have offered amendments here every fall to cut spending. I might as well be shouting in a rain barrel. But we passed that bill, 50 votes from Democrats alone, plus the Vice President in the Senate Chamber. Everybody knew exactly what we were doing.

And now we are saying, You tell us exactly how you will come up with almost \$2 trillion in spending cuts in the next 7 years. Why should they not? People on Social Security want to know if they are included. People on Medicare, people on Medicaid, people

who pay taxes, want to know what it will do to them.

Mrs. BOXER. Madam President, would the Senator yield for a question?

Mr. BUMPERS. Madam President, I am happy to yield.

Mrs. BOXER. I say to the Senator, Madam President, he is so eloquent in bringing home this point to the American people. We put ourselves out here on the line and we cast a tough vote.

By the way, I serve on the Budget Committee. I will tell the Senator that Members should have heard the Republicans in the Budget Committee. I have their comments in writing. "This thing will lead to higher deficits. This budget will lead to unemployment. This will be the worst thing that ever happened." In fact, we have the best economy that we have had in 25 years.

So I would say to my friend, since our colleagues will not tell Members what they have in mind for the American people, we have to make some educated guesses on that point. I would ask my colleague this: Is it not true that the Republicans said they would not touch Social Security even though they are not supporting removing it from this amendment? Have they not said they are taking that off the table?

Mr. BUMPERS. Madam President, the Senator is absolutely right. They have said they will not touch Social Security, and obviously they cannot avoid interest on the debt. Although they did not say defense was off the table, they said, "We will increase defense spending." I think one could assume if they increase spending it is also off the table.

Mrs. BOXER. Madam President, I was going to make that point.

The contract calls for increases in military spending, even though, as we know, we are spending in excess of two to five times than of all our enemies combined. So if they take Social Security off the table, I say to my friend, and if defense is taken off the table, and if they come through with a \$700 billion tax cut, I ask my friend what is going to happen to Medicare? What is going to happen to veterans' benefits? What is going to happen to crime fighting? What will happen to the Border Patrol? What will happen to roads and highways and freeways and research on breast cancer that is so important, and AIDS and other things that are real threats to the people of this Nation.

If the Senator, who has been around here a lot longer than I, could paint that picture I would greatly appreciate it.

Mr. BUMPERS. Madam President, let me just say that common sense dictates three or four conclusions that seem obvious to me.

No. 1, the Contract With America says we will not include Social Security or interest on the debt. Obviously we cannot do anything about interest on the debt. We have to pay it. As I said, they are proposing to increase defense spending. That leaves Medicare,

and Medicaid, and it leaves nondefense domestic discretionary spending.

In order to reach a balanced budget under that scenario, we would have to cut crime prevention, education, highways, law enforcement, everything that goes to making us a decent civilization. We would have to cut every one of those by at least 30 percent. In my opinion, in 2002 we would still have a deficit. I appreciate the Senator raising the question.

If you want to do what is popular, vote for this amendment. There is not any question about its popularity. Public opinion is contradictory about it because the people also support the right to know amendment which would require to say what we are going to cut. Seventy-four percent of the American people want the middle-class tax cut to be applied to the deficit instead of their tax bill. They want that to go on the deficit. Yet, the same people who are hot for a middle-class tax cut ignore the popular will of the people on that one.

But I am willing to admit I am going to vote "no" on this, and that is not the popular vote. So if you want to do what is popular, you vote "aye."

If you really, in your heart of hearts, believe that you can meet the mandate that I just laid out for you about balancing the budget in the year 2002, for God's sake vote "aye" if you think you can do that.

If you think the Founding Fathers did not know what they were doing when they crafted this most magnificent of all organic laws in the world, vote "aye."

If you are one of the 11 new Senators who came to this body in January and you do not have the courage to do what you told those voters you were going to do when you were campaigning about spending cuts, you vote "aye."

If you want to postpone the tough choices until the problem is even worse than it is now, vote "aye."

With an "aye" vote, you get 7 more years of grace in which the budget will balloon. The Senator from Utah has a chart over there showing how much the debt has gone up since we have been debating this. If this constitutional amendment were on the books right now, or any time in the future, that chart would be exactly the same. Nothing would be changed by a balanced budget amendment.

But if my colleagues believe that the highest calling they have is their duty to the Constitution, to be honest with their constituents, if they believe that their constituents can handle the truth no matter how unpleasant, even though all they have been getting is talk-show idiocy, distortions, pap, and partisan snapping, then they should vote "no." And then they should follow that with a few courageous votes on cutting spending, even if it tears their hearts out to cast those votes.

Ten times nobler is the man who bit the bullet in his quest to fulfill the promise of a great nation than the man

who reaps the contempt and hatred of historians and, thereafter, the people, because political expediency overcame our nobler instincts.

If you take that stale bait of popularity over what is best for our country, you are, in effect, saying, "Let this great Nation perish."

I yield the floor, Madam President.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HATCH. Madam President, I am happy to have the Senator from Arkansas recognized. I hope he will be the last speaker of the day. I would like to say a few words in closing, and we can recess the Senate. I am hoping he will be the last speaker.

Mr. PRYOR. Madam President, I thank my distinguished and good friend from Utah for allowing me to speak at this time. I want to compliment my worthy friend and colleague from Arkansas for delivering one of the eloquent, forceful, and thoughtful speeches of this debate on amending the Constitution with a balanced budget amendment.

Although we always marvel at this great constitutional system that we have, somehow or another, we cannot help tinkering with it. We love to mess with our Constitution. Over 10,000 proposals in our some 200 years of history have been introduced in the Congress to amend the Constitution. But over this same 200-year period, we have adopted only 17 since our Bill of Rights containing the first 10 amendments was enacted.

These relatively few amendments which have actually survived the amending process suggest how very difficult it is to amend the Constitution, as our Founding Fathers intended it to be, and also just how high the stakes really are.

Efforts to make our Government budget more responsible date back not just 2 or 3 years ago, but they date back to the early days of our forefathers. And these efforts have taken on various forms from reorganizing our budget process to amending the Constitution.

Today's debate, whether to authorize a constitutional amendment to be sent out to the States to balance the Federal budget, has been unfolding, Madam President, since 1982 when the Congress first attempted and failed to write a constitutional amendment to balance the budget.

After this first attempt, proponents have pushed and failed to authorize the amending process in 1986, 1990, and 1994.

I have participated in each of these four very difficult debates, and I have argued at length, not only here but in my home State of Arkansas, on the merits and the demerits of amending our Constitution with such an amendment.

In these debates, the U.S. Senate, and my friends on each side of the aisle—all of us together—have struggled during this debate to overcome

our differences. But what is so striking today is not our differences, but our common goal, a goal that every Member of this body agrees with: The goal of achieving a balanced budget.

No one quarrels with this debate. No one quarrels with this notion. No one quarrels with this goal. It is the one unifying idea that binds us. At the same time, it is the course of this particular devise of achieving our common goal, a constitutional amendment, which fractures us so very deeply, and there is a fundamental reason for this.

Americans have shaped their lives through laws, and for more than 200 years, the Constitution has been at the very core, the very center of our Nation of laws. It is the world's oldest written charter in continuous effect.

When we change the Constitution, Madam President, we alter who we are as a people. We change our lives by changing the way we govern ourselves. So before taking this ominous step of changing who we are as a people, we have an obligation to fully explore the consequences of amending our Constitution.

These consequences are neither obvious or simple. By this, I mean that by solving one problem, we may be creating a whole new set of problems. Certainly the consequences of balancing the budget will create a wide range of hardship and difficulty for some Americans—some of which will be foreseen and some of which will not.

So before we launch into this long and complex process of changing our Constitution of changing our lives, along with those who will follow, the American people deserve and expect our honesty and they deserve our leadership.

Madam President, I have been carrying around with me for the past several weeks a report from the Bipartisan Commission on Entitlement and Tax Reform. We call this effort in the Senate the Kerrey-Danforth commission, cochaired in a bipartisan manner by Senator BOB KERREY and Senator John Danforth. Senator John Danforth, of course, is no longer a Member of this body. I want to congratulate the authors of this report and I hold it out to my colleagues and the American people as an effort of true leadership and honesty in explaining today's budget dilemma in which we find ourselves.

Finding No. 3 in this report, on pages 10 and 11, tells us a story we just cannot run away from. It is found actually on this chart, Madam President, and it starts in 1963, when mandatory spending, which is comprised mainly of Social Security, Medicare, Medicaid, military retirement, civil retirement, and interest on the debt, amounted to 29.6 percent of our Federal outlays. We see those combined, net interest on the debt and entitlements, on the chart as mandatory spending of 29.6 percent of our Federal outlays.

Madam President, we see in the blue-green area of the pie chart what happened also in 1963 in the area of discre-

tionary spending. The remaining portion represented some 70 percent of the total Federal outlays, while some 30 percent was mandatory.

Chart No. 2, Madam President, shows the story when 30 years later, in 1993, mandatory spending is now at 61 percent, that is, entitlements of 47 percent, and net interest of 14 percent. Add the two and we find 61 percent of our budget is comprised of mandatory expenditures and discretionary spending shrunk to only 39 of total Federal outlays.

The third chart is revealing, Madam President, because the third chart indicates what is going to happen in 8 years. Eight years from now, only 1 year after this proposed constitutional amendment to balance the budget will go into effect. If we continue as we are at this time, we are going to see mandatory spending increased to 72 percent. That is net interest on the debt, 13.8; entitlements, 58.2, and discretionary spending, Madam President, down to the very small percentage of 28 percent.

Now, what does all this mean when we actually put ourselves in this straitjacket of a constitutional amendment over the next 7 years to balance the Federal budget.

Two weeks ago, Dr. Robert Reischauer was before the Senate Finance Committee. He was testifying before our committee, and I asked him what does this mean if we are to balance the budget? His answer, and I quote, Madam President,

I do not think that you can find them out of discretionary spending, especially if you listen to the concerns that many of your colleagues have about defense spending and think that defense spending is over one-half of discretionary spending. Clearly, the major portion of the answer has to lie in the entitlement area or in the tax code. And there is no escaping that.

Clearly, Madam President, the major portion of the dollars needed to be cut to balance the budget has to come from entitlements or the Tax Code, and there is no escape from that fact.

In the next question, I asked Dr. Reischauer before the Senate Finance Committee, if we exclude Social Security, which we should, from a balanced budget amendment, then what is going to be left for us to find the funds to balance the budget?

Dr. Reischauer responded by citing among others Medicare, Medicaid, civil service, military retirement, veterans pensions, and veterans compensation, student loans, farm price support systems, AFDC, food stamps, and SSI.

The point is, Madam President, the consequences of a balanced budget will definitely be felt by all Americans, present and future, who depend on these programs which Dr. Reischauer cited in his testimony a few days ago.

Now, how will these Americans be affected? This is the question that we in Congress must do our dead level best to be honest with the American people about. With no plan set forth to

achieve a balanced budget by the year 2002, it is impossible, absolutely, totally impossible to tell the people even our best guess of the consequences of balancing the Federal budget.

Madam President, I do not wish to blame any one person or any political party or any sponsor of this particular amendment before the Senate today for not having a specific plan because the cuts would be extremely painful, extremely unpopular, and standing alone both Democrats and Republicans have much to lose by offering such a plan at this time.

In the absence of a plan at this date, a number of studies and reports are now coming out, that are now being issued which break down in very real terms the effect of actually balancing the budget with across-the-board spending cuts.

Madam President, I can say that those findings from these reports are sobering. CBO estimates that the balanced budget amendment would require a cut of \$1.2 trillion in Federal spending over the next 7 years. What does that mean? The Treasury Department has now reported that a balanced budget amendment for the State of Arkansas would require reducing Federal grants and other annual spending in the State by some \$3 billion—\$416 million lost per year in Medicaid, \$65 million lost per year in highway funding, \$225 million a year in lost funding for education, for job training, environment and housing, and \$1.1 billion per year in lost benefits for the elderly.

These are enormous, unthinkable numbers that mean little when we say them, but what does it mean to actual people? It means that seniors will see massive reductions in health care benefits along with the hospitals and the doctors who serve them. In turn, the cost of the public health care burden is going to be shifted to private employers and their employees. It means millions of requests by seniors for rides to the doctor's office, grocery store, and pharmacy will go unanswered. It means millions and millions of home delivered meals will not get delivered, will not go to the homes of the elderly persons who are disabled.

Some now claim that these findings are meant only to spread fear and to scare people about the balanced budget amendment. However, Madam President, I think that the people making this claim are missing the point. Sometimes being honest in budgeting is a very, very frightful proposition, but it is my responsibility, it is our responsibility collectively to explain in advance the best way we can—what we are going to do and how we are going to do it—even if it scares us all.

I know, Madam President, that the President has received a lot of criticism in the last few hours about the submission of his budget that he sent to the Congress yesterday.

Here is the budget. "A Citizens Guide to the Federal Budget" is the first booklet. We have all of the appendices

to the budget that he has proposed. We have an "Analytical Perspective of the Budget of the United States Government." We have "Historical Tables, Budget of the United States Government," and then finally the document that most of us hopefully have seen, the "Budget of the United States Government," in a form that I think most of us hopefully can comprehend.

What this says, Madam President, is our President has kept faith with his part of the contract. He has submitted a budget. It may be controversial. As my colleague Senator BUMPERS just said, we may not be willing to accept \$180 billion deficits into the outyears. But be that as it may, this is at least a good faith effort to let the people of America know where we stand with the budget, and to know what our plans are with the budget.

However, as we look around the Senate Chamber today, on the eve of a very critical vote on the balanced budget amendment, the right-to-know amendment, offered by the distinguished minority leader, Senator DASCHLE, and several colleagues, we find that there is absolutely not one scintilla, not one scintilla of a plan offered by the proponents of the constitutional amendment to balance the budget, to show us how that budget is going to be balanced, to show us if it is going to require new revenues, or to show us the number of dollars that we are going to have to cut spending.

Madam President, here is a blank piece of paper. There is nothing on it. And, thus far, this is about all we have from the proponents of this amendment to tell us how they plan to balance the budget.

Our colleague, Senator DOMENICI, the distinguished Senator from New Mexico and chairman of the Budget Committee, has been very straightforward from the outset of this debate. But should not we be just as straightforward about the consequences to millions of Americans who are going to be impacted by these cuts? We should know the plan of action. We should know how they propose to balance the budget.

No one who is a part of this debate is suggesting we do nothing to balance the budget. That is not an option. We all want to balance the budget. The price of doing nothing is too high. What is at the core of this debate is the right of Americans to see the direction we are heading to achieve this goal before we take this drastic step of amending our 200-year-old Constitution. Without this direction, I believe such a proposal is going to do more harm than good.

During this debate an amendment to exclude Social Security from this balanced budget amendment is going to be offered and I am going to be supporting that amendment. The Social Security System is a 60-year-old contract with the American people. It has worked. It has worked well. And if changes need to be made, I am willing and ready to

consider them. We made some changes back in 1983 that put our Social Security System back in a very good financial posture. But I will consider them on their own merit, not as a part of any across-the-board spending cut because I think our contract with the elderly people of our country as they pay into Social Security is a separate contract which they started some 60 years ago. And this is a contract of 60-year standing that I plan to honor and I hope our colleagues in the Senate will honor.

The Democratic Joint Economic Committee has recently estimated that if both Social Security and Medicare were included in across-the-board spending cuts, the average senior citizen in America would lose some \$2,000 a year in Social Security benefits; some \$1,500 a year in Medicare benefits. The consequences of this debate to retirees, to widows, to the disabled are too important to subject them to broad brush budget cuts. And I will not support a constitutional amendment that allows this to happen.

In last week's debate it was pointed out the balanced budget amendment does not require a balanced budget. This is true. Section 1 of the proposed amendment that is before this body at this time allows for three-fifths of both the House and the Senate to waive the requirement for a balanced budget. So, if the amendment as proposed does not require a balanced budget, what does it do? That is the question today.

One, this proposal gives the President and two-fifths plus 1 of either Chamber a procedural lock on deficit spending and debt ceiling limits.

Let us place to one side the argument that we are frustrating the democratic process by allowing minority rule of our economic order. That point has been made repeatedly. I think it has been made well.

Madam President, let us take another look at the amendment and compare that, to see how this proposal fits into the framework, the overall global framework of the Constitution. Compare it to, say, the first amendment.

The proposed amendment before us is going to allow, if adopted, a supermajority to waive the requirement of a balanced budget. In this respect, this amendment is truly a first. It is a first in the 200-year history of our constitutional Republic. We have never had such an amendment. This is the first time. Let us compare it, if we might, to the first amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble; and to petition the Government for a redress of grievances.

Madam President, nowhere in this language of the Constitution in the first amendment does it even suggest about providing that: Congress shall make no law respecting the establishment of religion unless three-fifths of

each House passes legislation specifying otherwise. And to suggest so would be ludicrous.

When we take the oath of office to protect and defend this Constitution, do we do so unless three-fifths of each house of Congress passes legislation specifying otherwise? Of course not. If the proponents of a balanced budget amendment believe it is so important to our way of life, why is this procedural loophole included?

This is not the only loophole. Let us look at section 6, which provides that the "estimates of outlays and receipts may be used by Congress when drafting legislation to enforce and implement the provisions of this amendment."

This may be the biggest loophole of all. The amendment will be enforced by "estimates," agreed to by Congress. Even on our best, our luckiest days, estimates are just that, good faith estimates, but often they differ greatly. They change over time. And estimates in the wrong hands for the wrong reasons can be very, very destructive.

Do we really want to introduce this notion into our Constitution? I think not. It is just one more example of why the balanced budget amendment will not balance the budget. And what happens, finally, Madam President, if Congress does not balance the budget? What happens if this straitjacket that we have placed ourselves in is such that we cannot abide by those rules? Would the Federal courts be called upon to enforce them? Are we going to be like Kansas City when the Federal judge, who was unelected, appointed for life said: I will raise the taxes, I will run the schools? Many have grave doubts whether the courts should assume this role. This is the role for the Congress. This is a role for the President. Further, even Federal judges today are very skeptical that the courts would assume this particular role.

Judge Robert Bork has predicted that "hundreds, if not thousands, of lawsuits would arise from such an amendment."

No tinkering with our Constitution is going to substitute for the courage it will take actually to balance the Federal budget. The introduction of gimmicks and loopholes and uncertainty into the Constitution will not give us the courage or the political cover to reach this goal.

The Declaration of Independence, the Constitution, the Bill of Rights—are housed just a few blocks from here. In fact, this morning I was sitting in my office and I was thinking about this vote that we are going to have tomorrow, Wednesday, at high noon; a vote whether to require that the public and the Congress have the right to know basically the glidepath or some of the numbers as to how we are going to achieve a Federal budget, if we support this constitutional amendment.

I got to thinking about the Declaration and the Constitution and the Bill of Rights. We talk about them all the

time in this body. I remembered I had not seen those documents since I was about 16 years of age.

So I called up the Archives. I said, "Would it be possible for me to come down on short notice and have explained to me how we protect and look after these very sacred documents?" So I got in the car. I went to the Archives. I found that on each day at 10 o'clock sharp every day, except Christmas, on display we find the Declaration of Independence, the Constitution, and the Bill of Rights.

These founding documents of our country are in cases shielded by tinted glass and inert gases. Each evening these cases are lowered into a recessed, reinforced vault. If the Capital of our country were attacked, the vault would continue to protect its contents long after the city above ceased to exist. The Constitution, the Bill of Rights, and the Declaration of Independence for this country would survive long after all of us were gone.

The scene at the National Archives, I think, reinforces the reverence we have for these documents. This scene, I think, demonstrates the degree of respect for the Founding Fathers who wrote these particular documents.

While I was standing there this morning—and I took several members of our staff, Madam President, to the National Archives to see the Constitution, the Declaration of Independence, and the Bill of Rights once again—I watched the people as they walked in. As they approached these documents, they approached them with reverence, with quiet, and deep respect for the environment in which they were in.

There was a couple. I started visiting with them quietly. They were from Washington State. I introduced myself. They introduced themselves. They said that this was their very first trip to Washington, DC. They said that they thought they would never have the opportunity to be so close to the reason that this country has become so great and so powerful as it is today.

It makes me shudder to think that we would, in effect, remove this Constitution from its specially protected environment in the National Archives and inscribe on its parchment something that we believe is a bad idea. The reverence inspired by the Constitution comes from the impression that it is permanent and that it is enduring. A bad idea cannot endure, and we should not discolor the Constitution with it. We should not taint it. We should not stain this magnificent document with such an untried extreme as this particular amendment presents.

Madam President, can we balance the budget without this amendment?

Madam President, I see my distinguished friend from Utah rising. I want him to know, if he will allow me about 2 or 3 more minutes, I am going to sit down and let him conclude today's activities in the Senate, if that would be permissible with the distinguished manager.

Can we balance the budget without a constitutional amendment? The answer is "yes." Is it going to be easy? The answer is "no."

The 1990 and 1993 deficit reductions which were passed represent over \$1 trillion in deficit reduction. I voted for them. We did this without a balanced budget amendment. We can do it again, and we can do it by keeping the Constitution intact. It is very difficult, and some may not have liked it. It was uncomfortable. It caused heartburn. But I think very few would disagree with the fact that we reduced the deficit of the U.S. Government, and once again, we did it by keeping the Constitution of our country intact.

Some Democrats lost their seat in this Congress to vote on the 1990 and 1993 deficit reduction bills. But these individuals did it anyway because they knew that their first obligation was to their country, to their children and to their grandchildren, and they knew they must make tough choices. Many who support this balanced budget proposal have never voted for a tough deficit reduction package. To vote on this amendment does not in any way ensure that they will in the future.

Whatever the outcome of this debate might be, Madam President, I hope that I will be able to continue to make the tough votes to reach this goal. I support a balanced budget. But I will not support a bad idea to achieve it.

To our colleagues in the Senate who have just arrived here—and I note that all 11 have signed a letter recently, dated January 18, 1995. The new freshmen Members of the U.S. Senate which have come from 10 of our great States in this Union, have all supported this balanced budget amendment. I would like to say a word, Madam President, in closing to those fine new colleagues of ours. That is this: This is going to be the easiest vote that they have ever cast. This is an easy vote for them. It is an easy vote for anyone in this body because it says that we are going to propose an amendment to the Constitution that requires a balanced budget, but it ultimately does not require a balanced budget; that we are going to propose an amendment to the Constitution that says we are going to let the next Congress basically balance the budget. We are going to let the next President basically balance the budget. And what we will be doing in the meantime is sending out press releases and stating what a great thing we have done by supporting a constitutional amendment to balance the budget.

Madam President, I hope our colleagues will rethink this position. I know they realize—because they are not only good people, they are smart people—we did not get ourselves as a country, as a Nation, into this predicament in 7 years. And let us be honest, we are not going to get ourselves out of it in 7 years.

Madam President—and I say to my wonderful friend of long standing from Utah who has been eloquent in his

management and his statements on this issue—I would like to conclude my statement this afternoon by quoting a paragraph from a 1993 book that has just come out. It is called "Amending America," written by Richard Bernstein and Jerome Agel. Up here on the top on the cover, I say to my colleague from Utah and the distinguished occupant of the chair, it says: "If We Love the Constitution So Much, Why Do We Keep Trying to Change It?"

A paragraph from page 185 in the book states this, which is relative to the debate in 1992 on the constitutional amendment:

In June 1992, Stanley Collender, the director of Federal budget policy for Price Waterhouse, pointed out another problem with enforcing the amendment. Under present law, no person would have standing to bring suit to compel Congress to obey this amendment. If the courts could not enforce it, then the amendment would have no teeth and its failure would breed contempt for the Constitution and the rule of law, again, echoing the disaster of constitutional prohibition.

Mr. Collender concluded, "This whole effort is nothing but a scam."

Madam President, I am not calling this effort a scam, but I do call it misguided, and I truly believe that there is another way to attack the national debt and our deficit, and at the same time keep our revered and respected Constitution intact.

I thank the Chair and I thank my colleague from Utah, Senator HATCH, for having the patience to sit and listen and for managing this legislation.

Mr. HATCH. Madam President, I want to make a few comments before we close for the day. If the courts cannot enforce the balanced budget amendment—and they will not be able to—I do not believe there is any way people can meet across the board the standing justiciability and the political questions in order to have the courts enforce the balanced budget amendment. The only way it is going to be enforced is through moral suasion, because it will be part of the Constitution and it will be enforced just like the States enforce their amendments to their constitutions. They revere their State constitutions and the State Governors and legislatures balance the budget in accordance with the State constitution. It will be the same here.

Every Member of this body is sworn to uphold the Constitution, and the moral suasion alone will cause us to do what we should. That does not mean we cannot get a three-fifths vote or a constitutional majority. Maybe we can, in cases of severe distress and difficulty. This is the only chance that we have to pass something that will get spending under control.

If there is ever an argument as to why we need a balanced budget amendment, the Senator from Arkansas was extremely eloquent in talking about the importance of this budget. The fact

of the matter is that this budget agreement, I think, is a great argument for the balanced budget constitutional amendment. It is not because I want to criticize it so much as it is that the President has thrown in a sponge.

If you read this budget, over the next 12 years, we are not going to go toward a balanced budget at all, but we will be at a \$200 billion deficit for the next 12 years. What happens to our kids and grandkids? Who cares about them? Can we not do something to stop this incessant spending? I think we can. Here we have a Democrat and Republican amendment to do this.

Madam President, by codifying these terms and concepts in our Constitution, the supporters of the Daschle amendment will constitutionalize the very processes that have produced trillions of dollars in red ink. This is the politics of the past. It is business as usual.

We may find that we have to go about the budget process differently at some point in the future. But the Daschle amendment locks us pretty much into one particular process.

Instead of working for change, the supporters of the Daschle amendment want to freeze the status quo in place. Is that what the American people want?

I must say, the Daschle amendment fits hand in glove with the Clinton budget—there is no real change there either. President Clinton promises at least \$200 billion in deficits as far ahead as we can project, year after year.

Instead of attacking the deficit, the President's budget plans attack the wallets of our citizens. Our citizens will wind up paying more taxes to pay the ever growing interest on our skyrocketing national debt. And our citizens will pay more for the material things they want in life, from housing to automobiles to everyday consumer spending. These deficits will keep interest rates higher than they otherwise would be. These deficits will crowd out the private sector, resulting in fewer jobs and lower wages.

The President campaigned on change. He has demonstrated he is part of the status quo.

I ask unanimous consent that a letter to me from Lincoln Oliphant be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
REPUBLICAN POLICY COMMITTEE,  
Washington, DC, February 7, 1994.

Hon. ORRIN G. HATCH,  
Chairman, Committee on the Judiciary, U.S.  
Senate, Washington, DC.

Re the Daschle amendment is anti-constitutional

DEAR MR. CHAIRMAN: This is the first of two letters that assess the constitutional implications of the Daschle amendment.

H.J.Res. 1, proposing an amendment to the Constitution relative to a balanced budget, is being debated on the Senate floor. On Friday, February 3, 1995, Senator Daschle moved to commit H.J. Res. 1 to the Judici-

ary Committee with instructions to report back forthwith with a Daschle substitute amendment.

The Daschle substitute would add to H.J. Res. 1 a new and lengthy and complicated section 9 that requires Congress to use the processes of the Congressional Budget Act to reach a balanced budget. Senator Daschle's section 9 is longer than the original H.J. Res. 1, and it is far more complicated. For example, subsection 9(b) of the Daschle amendment reads as follows:

"The directives required by subsection (a)(3) shall be deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions from Committees under subsection (a)(3), each Committee of the Budget shall combine all such submissions (without substantive revision) into an omnibus reconciliation bill and report that bill to its House. The procedures set forth in section 310 shall govern the consideration of that reconciliation bill in the House of Representatives and the Senate."

The Daschle amendment sounds like it came out of the Code of Federal Regulations, not the Constitution of the United States, but Article V of the Constitution which governs amendments does not require constitutional amendments to be written elegantly or even well. This paper is not, however, concerned with the coarseness of the Daschle language, nor with its merits *per se*, but with its fitness for inclusion in the Constitution of the United States.

#### WHAT THE DASCHLE AMENDMENT MEANS FOR THE CONSTITUTION OF THE UNITED STATES

The Daschle amendment seeks to take a statute of the United States, the Congressional Budget Act of 1974, and graft it onto the Constitution of the United States. This appears to mean that a future amendment to the Budget Act would constitute a change in the Constitution of the United States.

Section 310 of the Congressional Budget Act, 2 U.S.C. 641 (1988 ed. & Supp. V 1993), was enacted on July 12, 1974, P.L. 93-344, §310, 88 Stat. 315. It was amended on Dec. 12, 1985, P.L. 99-177, 99 Stat. 1053, and again on Nov. 5, 1990, P.L. 101-508, 104 Stat. 1388-608, -618, -620. In the future, these kinds of amendments (which were relevant to the Budget Act), and all other amendments to section 310 (no matter their relevance to budgetary matters), will be incorporated into the Constitution of the United States through the language of the Daschle amendment, if ratified.

"Constitutionalizing" a statute of the United States is unprecedented because it is antithetical to the Constitution of the United States. The Daschle amendment allows Congress and the President (or Congress alone when it overrides a presidential veto) to re-enter the constitutional text at will and change it. This is *anti-constitutional*.<sup>1</sup>

The Daschle amendment is open-ended, there is no limit on future amendments. It would "constitutionalize" the Congressional Budget Act on the date of enactment and forever thereafter, however amended. The Daschle amendment could have avoided the possibility of future amendments by providing that the trust funds were to be "constitutionally fixed" on a date certain. This would have been a large step away from the charge of anti-constitutionalism, though it would have brought charges of grotesque constitutional drafting because it would have made chunks of the Budget Act a permanent part of the Constitution of the United States. America's Constitution-makers have stayed away from such rigidity because

<sup>1</sup>Footnotes at the end of article.

they have believed that laws like the Budget Act should be able to be amended without requiring a constitutional amendment.

The Daschle amendment is at cross-purposes with the structure and intent of the American Constitution—it threatens such fundamentals as the separation of powers, federalism, and the rule of law, as will be shown below.

THE PRACTICAL EFFECT OF THE DASCHLE AMENDMENT: THE EXAMPLE OF ARTICLE V

Article V of the Constitution provides the sole method for amending the Constitution. It reads in relevant part:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendment, which, in either case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States \* \* \*"

The sole mode of amendment established by the Constitution, therefore, involves only the States and the Congress, and Article V requires the consent of a super-majority of both. The President has no formal role in the proposing or ratifying of constitutional amendments. *Hollingsworth v. Virginia*, 3 U.S. 378 (1798). The Judicial Branch has no formal role in the proposing or adopting of amendments and only a limited role in reviewing Article V cases. *Coleman v. Miller*, 307 U.S. 433 (1939) (many issues arising under Article V are political questions which are nonjusticiable).

In the ordinary Article V case (the convention method for proposing amendments never having been used), two-thirds of the Senate and two-thirds of the House of Representatives propose an amendment to the Constitution which can be adopted only by the consent of three-fourths of the States. There is no other way to amend the Constitution—unless the Daschle amendment is ratified!

If the Daschle amendment is adopted, there will be two additional ways in which the Constitution may be amended:

First, if Congress passes a bill to amend relevant sections of the Congressional Budget Act and the President signs the bill, the Constitution will be changed.

Second, if Congress passes a bill to amend the relevant sections of the Congressional Budget Act and the President vetoes the bill, Congress can enact the bill unilaterally by overriding the President's veto by a two-thirds vote.

By allowing Congress alone, or Congress with the concurrence of the President, to change the Constitution, the Daschle amendment overthrows settled understandings of the separation of powers<sup>2</sup> and federalism.<sup>3</sup> The Daschle amendment is, therefore, anti-constitutional.

Additionally, the Daschle amendment is anti-constitutional because it undermines the concept of a written Constitution superior to all other enactments. U.S. Const. Art. VI. *The Federalist* no. 78 ("No legislative act . . . contrary to the Constitution can be valid"). See also, *Marbury v. Madison*, 1 U.S. 137, 177 (1803) ("Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation"). The excerpt from *Marbury v. Madison* that appears in the Appendix emphasizes this weakness of the Daschle amendment.

Sincerely,

LINCOLN C. OLIPHANT,  
Counsel.

FOOTNOTES

<sup>1</sup>The word "anti-constitutional" signifies a proposal that is contrary to the structure and purposes of the founders' constitution. A statutory provision which is forbidden by the constitution is said to be "unconstitutional" (and that is the subject of our second letter on the Daschle amendment), but a proposed constitutional amendment that would stand the Constitution on its head is "anti-constitutional."

<sup>2</sup>The Constitution of the United States is predicated on a separation of the legislative, executive, and judicial powers. U.S. Const. Art. I, Art. II & Art. III. *The Federalist* No. 47 ("The accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny. Were the federal Constitution, therefore, really chargeable with the accumulation of power . . . no further arguments would be necessary to inspire a universal reprobation of the system. I persuade myself, however, . . . that the charge cannot be supported").

<sup>3</sup>The Constitution of the United States is predicated on federalism, a diffusion of powers between the national government and the States. See, e.g., U.S. Const. Art. I, sec. 8 (enumerated powers), Amend. X (reserving powers to the States), & Amend. XI (protecting States against lawsuits). *The Federalist* No. 45 ("The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce . . . The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people").

APPENDIX

MARBURY V. MADISON—1 CRANCH (5 U.S.) 137, 176-78 (1803)

"That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent.

"This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments.

The government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed, are of equal obligation. It is a proposition too plain to be contested, that the constitution controls any legislative act repugnant to it; or, that the legislature may alter the constitution by an ordinary act.

"Between these alternatives there is no middle ground. The constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it.

"If the former part of the alternative be true, then a legislative act contrary to the constitution is not law: if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable.

"Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and, consequently, the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void.

\* \* \*

"It is emphatically the province and duty of the judicial department to say what the law is. . . . If two laws conflict with each other, the courts must decide on the operation of each.

"So if a law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

"If, then, the courts are to regard the constitution, and the constitution is superior to any ordinary act of the legislature, the constitution, and not such ordinary act, must govern the case to which they both apply.

"Those, then, who controvert the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law.

"This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence, with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits and declaring that those limits may be passed at pleasure.

"[I]t thus reduces to nothing what we have deemed the greatest improvement on political institutions, a written constitution. . . ."

Mr. HATCH. Two more things, Madam President. We started this morning by pointing out our balanced budget amendment debt tracker. You can see we have been in debate for 9 days now. You can see the green mark is up from the \$4.8 trillion baseline we have. Each day, the national debt is going up almost \$1 billion as we debate this. It is really mind boggling.

Let me point this out to our general public. This chart is "Calculating the Deficit Under President Clinton." This budget puts us in this deficit picture. We are in 1995, right here. In 1994, the deficit was projected to be 3.2; in 1995, 194.7; in 1996, 192.5; in 1996, 193.1; in 1997, 193.4, and then 194.4, and on into the future. This is all red ink for our children and grandchildren and everybody in this country.

Over the next 5 years, we will have a \$1.39 trillion total increase, projected increase in the deficit from 1994 to the year 2000—billions of dollars in debt, with not one hope for anybody of bringing that line down unless we pass this balanced budget amendment. That is why we are fighting so hard for it now and why we are asking colleagues to

consider voting for it. We are also asking the people to be heard with regard to this.

Eighty-five percent of the people want a balanced budget amendment. There is good reason for it and that is a perfect illustration why. On both of these charts, this continual red-ink deficit, and the continual going up—even while debating it on a daily basis, it is going up \$1 billion a year.

I do not want to keep the Senate any longer. We are prepared to close the Senate. I will end my remarks at this point.

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#### APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the following appointments and designations to the Senate Arms Control Observer Group:

The Senator from Alaska [Mr. STEVENS] as majority Administrative Co-chairman; and

The Senator from South Carolina [Mr. THURMOND] and the Senator from Indiana [Mr. LUGAR] as Cochairmen for the majority.

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#### APPOINTMENTS BY FINANCE COMMITTEE CHAIRMAN

The PRESIDING OFFICER. The Chair announces on behalf of the Chairman of the Finance Committee, pursuant to section 8002 of title 26, U.S. Code, a substitution in the membership of the Joint Committee on Taxation. The Senator from Kansas [Mr. DOLE] has resigned from the joint committee and will be replaced by the Senator from Utah [Mr. HATCH] for the duration of the 104th Congress only. Therefore, the membership of the Joint Committee on Taxation for the 104th Congress is as follows: the Senator from Oregon [Mr. PACKWOOD], the Senator from Delaware [Mr. ROTH], the Senator from Utah [Mr. HATCH], the Senator from New York [Mr. MOYNIHAN], and the Senator from Montana [Mr. BAUCUS].

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#### MORNING BUSINESS

Mr. HATCH. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### TRIBUTE TO LT. GEN. EDWARD CRAIG

Mr. HEFLIN. Madam President, I rise today to pay tribute to one of the Marine Corps' most outstanding leaders, Lt. Gen. Edward Craig, who recently passed away.

Lieutenant General Craig was born in Danbury, CT, in 1896. He later attended St. Johns Military Academy in Delafield, WI. Upon graduation from the academy in 1917, he was commissioned a second lieutenant in the Marine Corps, and reported for duty on August 23, 1917.

In November 1917, he was assigned to duty with the 8th Marine Regiment, and in April 1919, was ordered to foreign shore duty in Haiti and later with the Second Provisional Brigade marines in the Dominican Republic.

His overseas World War II commands began in the summer of 1943 when he was given command of the 9th Marine Regiment at Guadalcanal. He was my regimental commander. He inspired great confidence in his officers and men. He was a superb battle commander. He led this regiment in the Bougainville invasion that fall. While remaining the colonel in charge of this regiment, he was in the forefront in the liberation of Guam, for which he was awarded the Navy Cross. The last of his World War II involvements included service in the 5th Amphibious Corps in the fall of 1944. As the corps operations officer, Lieutenant General Craig designed and actually participated in the landing and assault on Iwo Jima in 1944. He returned to the United States from the Pacific in July 1945.

Following the end of World War II, he was again ordered overseas as assistant division commander of the 1st Marine Division, reinforced, in Tientsin, China.

On June 1, 1947, he was assigned as commanding general, 1st Provisional Marine Brigade, Fleet Marine Force, on Guam, where he remained for 2 years.

When the Korean conflict began he was assigned to Korea and served as the commanding general of the 1st Provisional Marine Brigade and participated in fighting around the Pusan perimeter. He later served as assistant division commander of the 1st Marine Division and took part in the landing at Inchon and operations in northeast Korea.

At the time of his retirement on June 1, 1951, he was the director of the Marine Corps Reserve and was a veteran of more than 33 years of Marine Corps service.

All of his endeavors in the service led to many well-deserved medals and honors. They include the Navy Cross; the Distinguished Service Medal; the Silver Star Medal; the Legion of Merit; the Bronze Star Medal; and the Air Medal with Citation; and the Navy Unit Citation. His other decorations and medals include the Presidential Unit Citation; the Navy Unit Citation; two Korean Presidential Unit Citations; the Victory Medal; the Haitian Campaign Medal in 1919; the Marine Corps Expeditionary Medal with one Bronze Star, Dominican Republic 1919-21, and China 1924; the Second Nicaraguan Campaign Medal, 1929-30; the American Defense Service Medal with

Fleet Clasp; the American Campaign Medal; the Asiatic-Pacific Campaign Medal with four Bronze Stars; the World War II Victory Medal; the China Service Medal, 1947, the Navy Occupational Medal, Japan 1946; and the Korean Campaign Medal.

Memories of Lt. Gen. Edward Craig and his wife, Mrs. Marion Mackie Craig will always be with me. He was truly an American hero and a marine's marine.

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#### TRIBUTE TO JUDGE WILLIAM C. SULLIVAN

Mr. HEFLIN. Madam President, I want to pay tribute and offer my congratulations to my dear friend Judge William C. Sullivan on his new-found lifestyle—retirement.

Before starting his legal career in 1951, and becoming a circuit judge for Talledega County, Bill served in the U.S. Navy; played on a semi-pro baseball league; and was mayor of Lincoln, AL.

When recalling my many memories of Judge Sullivan, I remember a rather humorous occasion which occurred in the summer of 1954. A police chief came to a baseball game in which Sullivan was a player only to tell him a gubernatorial candidate, "Big Jim" Folsom, wanted to see him. William sent word back to Jim that he would have to wait until the end of the game before he would break loose.

When the two met, Bill of course in his soiled uniform, Big Jim was in disbelief—he even told Bill Sullivan he did not look like a mayor. Sullivan simply smiled and reminded Big Jim he was only a candidate, and not a Governor.

The two later reunited when Big Jim swore Bill in as a judge 4 years later.

Perhaps Judge Sullivan is most known for a 1962 civil rights case he presided over in which the late Supreme Court Justice Thurgood Marshall was an acting attorney.

Bill and I share one belief—we both agreed the transition from attorney to judge was difficult because once we became judges, we simply acted as referees. Thus, we could not "slug it out" in court with other attorneys.

Judge Sullivan obviously knew his stuff. He went 20 years without a single reversal.

Bill and his followers are proud of the fine job he did while serving on the Alabama Pattern Jury Instructions Committee, since it was his panel that published a reference book for jury instructions in civil cases used by most judges and lawyers in the State today.

Bill has said he will not miss the workload, but will miss the challenging cases being played out in the courtroom.

Upon his retirement, Talledega lost one of its best judges. I wish him all the best in his retirement and commend him for his leadership over the years.

TRIBUTE TO PUBLISHER W.M.  
"BILL" STEWART

Mr. HEFLIN. Madam President, publisher William Mathews "Bill" Stewart passed away on January 21 at the age of 74. A noted newspaperman in the State of Alabama for many years, Bill had been the owner of the Monroe Journal and a Monroeville, AL radio station.

Bill bought the Journal in 1947, and in 1952 started radio station WMFC. He also established WBCA radio in Bay Minette, AL. Since 1958, he and his family owned the paper and the radio station. He remained editor of the paper until 1989 and was active in its management until very recently. He also owned papers in Bay Minette, Brewton, Camden, and Jackson, AL.

A native of Autaugaville, Bill was a former president of the Alabama Press Association and the American Newspaper Representatives, an advertising agency. He earned his degree in journalism at the University of Alabama, was a reporter at the Huntsville Times, and served in the Army during World War II.

Bill was also active in his local community. He was a past president of the Monroeville Chamber of Commerce and the Monroeville Kiwanis Club, and an organizer of the Monroe Country United Way. He was also a Sunday school teacher. The Kiwanis Club named him "Man of the Year" in 1996 and "Citizen of the Year" in 1990. He devoted most of life to bringing information to the people in his region of the State.

Bill Stewart was totally committed to his profession and to serving his community through the written and spoken word. He truly understood the power of information and the importance of communication. He was known in the community as a leader dedicated to making his hometown the best place in the world in which to live. He was warm and friendly, and the depth of his compassion for people was reflected through his employment of the disabled. His demeanor was always that of a true gentleman.

Bill's quiet and calm leadership helped lead Monroeville through the social changes of the last 35 years. It is never easy being the publisher of a small-town newspaper, but he was more willing than most to sacrifice popularity for his conscience. He was referred to by his minister as a "tower of righteousness and integrity."

Bill Stewart will be greatly missed by all those who had the pleasure of knowing him over the years. I extend my deepest condolences to his wife, Carolyn Hall Stewart, and her entire family in the wake of this tremendous loss.

I ask unanimous consent that an editorial from the Mobile Register commenting on the life and career of Bill be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Mobile Register, Jan. 24, 1995]

BILL STEWART: EDITOR, LEADER

William M. "Bill" Stewart made his money and his reputation the old-fashioned way. He earned them.

When his family and friends said farewell to the long-time newspaperman Monday in a Monroeville cemetery, they saluted the former publisher of the Monroeville Journal for his contributions to the newspaper profession—contributions that began at the University of Alabama, where he earned his journalism degree. From an early stint in daily journalism at the Huntsville Times, he went on to discover his real love: community newspapers.

Bill Stewart's ensuing achievements were many. He was a former president of the Alabama Press Association, where he championed the rights of the state's newspapers large and small. For a time, he also headed the American Newspaper Representatives, a national advertising service. He had owned or been a partner in newspapers in Bay Minette, Jackson, Camden and Brewton, and he helped found two radio stations, including WMFC in Monroeville, which his family continues to own.

But it was his ownership of the Monroe Journal for which Bill Stewart was best known. He bought the paper in 1947 with a partner from Bay Minette, Jimmy Faulkner, and acquired sole ownership of it 11 years later. Devotion to reporting the news of Monroeville and its surrounding rural communities was his hallmark.

One notable writer who passed through the Journal's newsroom was syndicated columnist Rheta Grimsley Johnson, who now writes for the Atlanta Constitution and United Feature Syndicates. She worked in Monroeville in 1975, by which time Mr. Stewart's son and daughter-in-law were operating the newspaper. Ms. Johnson, who occasionally writes about her days as a young reporter in South Alabama, recently remembered the paper as "a model weekly" that was devoted to and in touch with its readers.

"And that doesn't come easy," Ms. Johnson said. "It's certainly the cleanest newspaper. There's never a typo in the Monroe Journal; if there is, heads will roll."

Today, Bill Stewart's sons Steve and David own and operate the newspaper and radio station. Until their father's death from complications of Parkinson's disease, however, he had maintained a vigorous interest in the family's businesses.

It is doubtlessly safe to predict that residents of Monroe County can count on the sons, who have won journalistic accolades in their own right, to carry on the senior Mr. Stewart's commitment to community journalism.

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BASEBALL

Mr. DOLE. Madam President, I will just take a second. I need to testify on another matter, but I want to say a word about baseball.

Mr. BRADLEY. Baseball?

Mr. DOLE. Not basketball, baseball. I note the distinguished Senator from New Jersey.

Mr. BRADLEY. Madam President, will the majority leader yield? He said he wanted to make a statement about baseball?

Mr. DOLE. Baseball.

Mr. BRADLEY. Not basketball.

Mr. DOLE. I would be happy to make a statement about basketball, football, hockey—

Mr. BRADLEY. The national sport.

Mr. DOLE. I thank my colleague from New Jersey, one of the great players of all time.

Madam President, for nearly 6 months now, baseball fans all across America have patiently stood by watching the transformation of our Nation's pastime into a crass tug-of-war over money.

Multimillion-dollar players and multimillion-dollar owners have argued, haggled, argued some more, and ultimately deprived the American people of one of the most exciting seasons in recent memory.

After 179 days of confrontation, the players and the owners must now put aside their differences and find common ground. Not tomorrow. Not 2 weeks from now. But today: Tuesday, February 7. There is simply no more sand left in the negotiating hourglass. The integrity of the institution of baseball is far more important than anyone's bottom line.

With that said, let me be crystal clear on one important point: Neither party—player nor owner—should be looking to Congress for any magic solutions. The magic solution can only be found at the bargaining table.

If, for some reason, the players and owners cannot reach an agreement today, then they should do the next best thing—which is to voluntarily accept whatever settlement special mediator Bill Usery may propose. If it is good enough for Bill Usery, I am confident it is good enough for baseball.

Here is a man who has had long experience, he has worked tirelessly on this matter as he has done successfully in many other areas. He said this is the toughest he has ever negotiated.

But I would just say again, today is the day. We do not have any magic wand up here. Congress cannot solve these things if they cannot be solved in negotiations. So if everything else fails, my advice would be, before 3 p.m. today, they accept the efforts of the negotiator, Bill Usery.

I thank my colleagues and I yield the floor.

Mr. HATCH. Madam President, I appreciate the remarks of our distinguished majority leader. I hope his remarks are taken very seriously by all concerned. We need to resolve this matter very much.

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PRESIDENT CLINTON'S  
IMMIGRATION INITIATIVE

Mr. KENNEDY. Madam President, today, President Clinton announced an important and innovative new \$1 billion immigration initiative to address the problems of illegal immigration. This initiative represents a coordinated new approach by the Immigration Service, the Customs Service, and the Labor Department to confront this problem head-on, and to do so in ways which protect the rights of law-abiding Americans and legal immigrants.

This initiative comes on top of already substantial accomplishments by the Clinton administration in the enforcement of the immigration laws. This administration, more than any other, has enhanced border enforcement by increasing the ranks of the Border Patrol and applying modern enforcement tools. It has sought—and received—the largest budget increases in the history of the Immigration and Naturalization Service. It has expanded efforts to identify and remove criminal aliens from the country. And it has provided specific assistance to States which bear the brunt of the costs of illegal immigration.

It is clear that effective control of illegal immigration requires not only strong border enforcement, but also removal of the magnet of employment that attracts illegal aliens to the United States.

For the past 2 years, the administration has focused unprecedented new resources on the problem of illegal border crossers. The administration's fiscal year 1996 plan will add 700 new Border Patrol officers this year, and bring the total officers added during this administration to 1,750. It will give these Border Patrol officers the backup support they need to do their jobs, by adding 140 support staff and by providing additional sophisticated border technology such as surveillance cameras and motion sensors.

Millions of people enter the United States for business and tourism each year. The administration's goal is to ensure that legitimate border crossers are assisted in entering as rapidly and efficiently as possible, and that potential law-breakers are identified and kept out.

The administration's proposal will provide 680 new INS inspectors and 375 new Customs inspectors to facilitate legal entries and to prevent smuggling of aliens, drugs, and other contraband. The plan will provide these inspectors with upgraded lookout systems and other computer facilities for rapid detection of those unqualified for entry. Since legitimate border crossers benefit most by these enforcement activities, the administration is seeking authorization to charge a nominal border crossing fee, for use exclusively in upgrading ports of entry and in border enforcement.

Aliens enter the United States illegally, or overstay legitimate visitor visas, principally because to many employers are willing to violate the law to hire them. The second aspect of the administration's proposal will invest an additional \$93 million in workplace-related enforcement. The administration will add 365 new INS investigators and 202 Department of Labor wage and hour investigators to target geographical locations and industries where illegal aliens most commonly find employment.

The majority of American employers want to comply with the law. But many find it difficult to determine which aliens are eligible to work. To

address this problem, the Commission on Immigration Reform has called for establishment of a nationwide database of INS and Social Security data that employers can use to verify the work-authorized status of job applicants.

The Commission's recommendation has significant support, but a number of critics have raised important questions about the wisdom of a nationwide database. Experts in computer privacy and civil liberties have questioned it, and others have suggested that the cost of such a database may be prohibitive.

The administration's plan is a step-by-step approach to test the feasibility and desirability of the Commission's proposal, and to explore other methods of verifying eligibility for employment. This approach will permit us to evaluate the potential benefits and costs of such reforms. While making real improvements in existing systems now.

The third major portion of the administration's plan provides \$178 million in additional funding for the deportation of criminal and other deportable aliens, including a major enhancement of an existing program that permits INS to deport criminal aliens immediately after they have finished serving their criminal sentences. The administration will also concentrate greater resources on locating and deporting noncriminal aliens who have been ordered deported in the past but have failed to leave the country.

Madam President, I commend the Administration for its proposal. I look forward to hearings and action by Congress on this critical issue, and I ask unanimous consent that a summary of the administration's proposed may be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY—THE PRESIDENT'S 1996  
IMMIGRATION INITIATIVE  
STRENGTHENING THE NATION'S IMMIGRATION  
SYSTEM

After two years of unprecedented efforts, the President's FY 1996 budget includes an additional \$1 billion to further strengthen the Administration's commitment to border security and to its comprehensive strategy "that addresses job security through work-site enforcement, community security through removal of criminal aliens, and economic security through assistance to states."

*Strengthen board enforcement and management*

With a record infusion of new resources in 1994 and 1995, this Administration is taking control of the border. The FY 1996 budget provides an additional \$369 million to strategically reinforce our border strategy and to build on successes. This strategy includes:

700 new border patrol agents, 680 new INS inspectors, and 165 new support staff, bringing the number of INS personnel devoted to nationwide border control to nearly 9,000, a 51 percent increase over 1993. On the Southwest border alone, we will have increased border control staffing (agents, inspectors, and support) by 60 percent by the end of FY 1996.

Over 1,000 new INS and Customs inspectors for land ports of entry to complement border enforcement activities and facilitate commercial vehicular and pedestrian traffic;

Continued technological improvements, including surveillance cameras, fingerprint technology, encrypted radios, and sensors to augment agent effectiveness;

Automated lookout systems and case tracking systems to facilitate traffic and inspections processes and provide electronic information exchanges between overseas Consular offices and the domestic inspection process;

Enhanced domestic and overseas enforcement and intelligence enforcement resources to deter alien smuggling and the use of fraudulent documents; and

A new Border Services User Fee program at land border ports of entry to pay for improvements that will ease traffic congestion, expedite the issuance of Border Crossing Cards and detect fraudulent documents.

*Expand and improve worksite enforcement and verification*

The President's budget includes \$93 million to reserve years of inattention to enforcement of labor standards and employer sanctions. The Administration also has firmly endorsed the recommendations of the Jordan Commission to conduct pilots to test various techniques for improving verification of employment authorization and is now seeking substantial funding to implement these pilots. The worksite initiatives will help to ensure that jobs are available only to those who are authorized to work in the United States. The budget enhancement provides:

365 new INS investigators—an 85 percent increase over 1993—for a targeted enforcement effort in the seven states with the largest number of illegal immigrants and against industries that have historically exploited illegal workers;

202 new Department of Labor Wage and Hour investigators and other enforcement personnel to maintain fair and lawful labor practices; and

\$28 million for several verification pilots, including expanding the INS Telephone Verification System for employers. We also will significantly improve the quality of INS records and make additions to Social Security Administration databases that contain information related to work eligibility.

*Triple the number of illegal aliens deported since 1993 and increase detention*

The Administration's immigration strategy will ensure that more aliens who have been ordered deported or excluded actually depart from the United States. The Administration's FY 1996 budget requests \$178 million to expand the capacity to detain and remove both criminal aliens and other deportable aliens. With these resources, the Administration will:

Triple the deportation of both criminal and non-criminal aliens from 37,000 in 1993 to more than 110,000 in 1996, based on current projections. Next year, we expect to deport more than 58,000 criminal aliens, more than double the number of criminal aliens we plan to deport in 1995;

Increase detention of deportable aliens by adding more than 2,800 beds to detention facilities, an increase of 46 percent over 1993;

Implement streamlined administrative procedures authorized in the Violent Crime Control and Law Enforcement Act of 1994 to deport aggravated felons, saving costs related to the judicial process; and

Ensure that those denied asylum are deported from the United States.

*Expand assistance to States*

Deterring illegal immigration is the best way to contain the associated costs to states. Beyond this clear federal responsibility to support states by deterring illegal immigration and removing illegal aliens, the

Administration is requesting a total of \$563 million for direct assistance to states and improved services, including \$550 million to offset the states' costs associated with illegal immigrants. Of the total \$563 million budget request for assistance and services, \$383.4 million represents the increase from FY 1995. See funding summary attached. The resources requested will:

Fund the commitment established in 1986 by Congress to reimburse states for the costs of incarcerating illegal aliens. The \$300 million in resources requested for incarceration costs represents the full amount authorized and exceeds reimbursements in 1995 by \$170 million;

Provide \$100 million for grants to school districts that enroll large numbers of recent immigrant students—double the amount provided for FY 1995; and

Provide \$150 million for a new discretionary grant program to help states cover the costs of providing emergency and certain other medical services.

Expand the current Law Enforcement Support Center pilot, which assists local law enforcement agencies in determining whether criminals arrested for felonies are non-citizens.

Fund a high quality Center for Immigration Statistics to collect, evaluate, and disseminate accurate and timely immigration data to Congress, state and local governments, and the public.

*Deny public benefits to undocumented migrants*

Undocumented migrants should not be eligible for public services or benefits, with very limited exceptions. These exceptions include emergency medical services, children's right to an education, temporary emergency or humanitarian disaster assistance, and services necessary for the protection of public health and safety interests (e.g., immunization programs).

The Administration will work to improve benefit eligibility verification to protect the integrity of these programs from eligibility fraud by undocumented migrants.

*Summary of \$1 billion immigration budget enhancement*

[In millions]

Border enforcement and management:	
Border control between ports of entry .....	\$81.0
Facilitation/enforcement at ports of entry .....	260.1
Enhance anti-smuggling, intelligence, and overseas deterrence .....	28.2
Subtotal .....	369.3
Worksite enforcement and verification:	
Department of Justice .....	53.7
Department of Labor .....	11.0
Verification information systems pilots .....	28.3
Subtotal .....	93.0
Detention and removal of criminal and deportable aliens .....	178.0
Assistance to States:	
Incarceration of criminal aliens .....	170.0
Medicaid/emergency medical services .....	150.0
Immigrant education .....	150.0
Law enforcement support center .....	3.4

Center for quality immigration statistics .....	10.0
Subtotal .....	1383.4

Total increase required:  
 Financed through fees .....

New appropriations (budget authority) needed .....

<sup>1</sup>Amounts represent increases from FY 1995 to FY 1996.

*Total 1996 assistance to States*  
 [In millions]

Assistance to States:	
Incarceration of criminal aliens .....	\$300.0
Medicaid/emergency medical services .....	150.0
Immigrant education .....	100.0
Law enforcement support center .....	3.4
Center for quality immigration statistics .....	10.0
Subtotal .....	1563.4

<sup>1</sup>Includes \$550M for incarceration/medical/education.

Immigration and Naturalization Service's budget increases by over 70 percent since 1993 and a 24-percent increase over 1995:

	<i>Billion</i>
1993 .....	\$1.5
1994 .....	1.6
1995 .....	2.1
1996 .....	2.6

SENATE QUARTERLY MAIL COSTS

Mr. STEVENS. Madam President, in accordance with section 318 of Public Law 101-520 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulations of Senate mass mail costs for the first quarter of fiscal year 1995 to be printed in the RECORD. The first quarter of fiscal year 1995 covers the period of October 1, 1994, through December 31, 1994. The official mail allocations are available for frank mail costs, as stipulated in Public Law 103-283, the Legislative Branch Appropriations Act for fiscal year 1995.

There being no objection, the allocations were ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING, DEC. 31, 1994

Senators	Total piece	Pieces per capita	Total cost	Cost per capita	FY 1995 official mail allocation
Abraham .....	0	0	0.00	0	\$140,289
Akaka .....	0	0	0.00	0	29,867
Ashcroft .....	0	0	0.00	0	83,043
Baucus .....	0	0	0.00	0	34,694
Bennett .....	0	0	0.00	0	30,689
Biden .....	0	0	0.00	0	28,591
Bingaman .....	0	0	0.00	0	30,834
Bond .....	0	0	0.00	0	108,312
Boren .....	0	0	0.00	0	18,822
Boxer .....	0	0	0.00	0	582,722
Bradley .....	0	0	0.00	0	151,392
Breaux .....	0	0	0.00	0	82,088
Brown .....	0	0	0.00	0	74,406
Bryan .....	0	0	0.00	0	45,030
Bumpers .....	0	0	0.00	0	48,743
Burns .....	0	0	0.00	0	34,694
Byrd .....	0	0	0.00	0	34,593
Campbell .....	0	0	0.00	0	74,406
Chafee .....	0	0	0.00	0	30,524
Coats .....	0	0	0.00	0	111,738
Cochran .....	0	0	0.00	0	48,596
Cohen .....	1,786	0.00145	\$368.04	\$0.00030	37,937
Conrad .....	0	0	0.00	0	25,438
Coverdell .....	0	0	0.00	0	137,674
Craig .....	12,795	0.01199	\$2,650.73	0.00248	31,846
D'Amato .....	0	0	0.00	0	335,341
Danforth .....	0	0	0.00	0	29,786

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING, DEC. 31, 1994—Continued

Senators	Total piece	Pieces per capita	Total cost	Cost per capita	FY 1995 official mail allocation
Daschle .....	3,300	0.00464	1,069.20	0.00150	27,650
DeConcini .....	0	0	0.00	0	22,805
DeWine .....	0	0	0.00	0	168,128
Dodd .....	949	0.00029	183.34	0.00006	66,615
Dole .....	0	0	0.00	0	51,907
Domenici .....	0	0	0.00	0	30,834
Dorgan .....	0	0	0.00	0	25,438
Durenberger .....	0	0	0.00	0	24,183
Exon .....	0	0	0.00	0	32,516
Faircloth .....	111,300	0.01626	20,088.20	0.00294	140,612
Feingold .....	0	0	0.00	0	97,556
Feinstein .....	0	0	0.00	0	582,722
Ford .....	0	0	0.00	0	74,054
Frist .....	0	0	0.00	0	78,686
Glenn .....	0	0	0.00	0	219,288
Gorton .....	0	0	0.00	0	106,532
Graham .....	0	0	0.00	0	323,488
Gramm .....	22,000	0.00125	4,696.47	0.00027	352,339
Grams .....	0	0	0.00	0	67,423
Grassley .....	0	0	0.00	0	56,381
Gregg .....	0	0	0.00	0	34,552
Harkin .....	0	0	0.00	0	56,381
Hatch .....	0	0	0.00	0	30,689
Hatfield .....	0	0	0.00	0	62,019
Heflin .....	0	0	0.00	0	81,113
Helms .....	0	0	0.00	0	140,612
Hollings .....	0	0	0.00	0	72,302
Hutchison .....	0	0	0.00	0	352,339
Inhofe .....	0	0	0.00	0	52,475
Inouye .....	0	0	0.00	0	29,867
Jeffords .....	0	0	0.00	0	23,830
Johnston .....	0	0	0.00	0	82,088
Kassebaum .....	0	0	0.00	0	51,907
Kempthorne .....	0	0	0.00	0	31,846
Kennedy .....	0	0	0.00	0	121,391
Kerrey .....	0	0	0.00	0	32,516
Kerry .....	0	0	0.00	0	121,391
Kohl .....	0	0	0.00	0	97,556
Kyl .....	0	0	0.00	0	63,581
Lautenberg .....	0	0	0.00	0	151,392
Leahy .....	975	0.00171	203.21	0.00036	23,830
Levin .....	0	0	0.00	0	182,978
Lieberman .....	0	0	0.00	0	66,615
Lott .....	0	0	0.00	0	48,596
Lugar .....	0	0	0.00	0	111,738
Mack .....	0	0	0.00	0	323,488
Mathews .....	0	0	0.00	0	11,084
McCain .....	0	0	0.00	0	82,928
McConnell .....	0	0	0.00	0	74,054
Metzenbaum .....	0	0	0.00	0	60,304
Mikulski .....	0	0	0.00	0	91,956
Mitchell .....	0	0	0.00	0	10,433
Moseley-					
Braun .....	0	0	0.00	0	216,454
Moynihhan .....	0	0	0.00	0	335,341
Murkowski .....	0	0	0.00	0	23,179
Murray .....	3,900	0.00076	825.18	0.00016	106,532
Nickles .....	0	0	0.00	0	68,442
Nunn .....	0	0	0.00	0	137,674
Packwood .....	0	0	0.00	0	62,019
Pell .....	0	0	0.00	0	30,524
Pressler .....	0	0	0.00	0	27,650
Pryor .....	0	0	0.00	0	48,743
Reid .....	0	0	0.00	0	45,030
Riegle .....	0	0	0.00	0	50,319
Robb .....	0	0	0.00	0	124,766
Rockefeller .....	0	0	0.00	0	34,593
Roth .....	0	0	0.00	0	28,591
Santorum .....	0	0	0.00	0	182,834
Sarbanes .....	0	0	0.00	0	91,956
Sasser .....	0	0	0.00	0	28,223
Shelby .....	0	0	0.00	0	81,113
Simon .....	0	0	0.00	0	216,454
Simpson .....	0	0	0.00	0	19,826
Smith .....	0	0	0.00	0	34,522
Snowe .....	0	0	0.00	0	29,086
Specter .....	0	0	0.00	0	238,468
Stevens .....	0	0	0.00	0	23,179
Thomas .....	0	0	0.00	0	15,200
Thompson .....	0	0	0.00	0	94,111
Thurmond .....	0	0	0.00	0	72,302
Wallop .....	0	0	0.00	0	5,452
Warner .....	0	0	0.00	0	124,766
Wellstone .....	0	0	0.00	0	87,939
Wofford .....	0	0	0.00	0	65,579

Other offices	Total Pieces	Total Cost
The Vice President .....	0	0.00
The President Pro-Tempore .....	0	0.00
The majority leader .....	0	0.00
The minority leader .....	0	0.00
The assistant majority leader .....	0	0.00
The assistant minority leader .....	0	0.00
Sec of Majority Conference .....	0	0.00
Sec of Minority Conference .....	0	0.00
Agriculture Committee .....	0	0.00
Appropriations Committee .....	0	0.00
Armed Services Committee .....	0	0.00
Banking Committee .....	0	0.00
Budget Committee .....	0	0.00
Commerce Committee .....	0	0.00
Energy Committee .....	0	0.00
Environment Committee .....	0	0.00
Finance Committee .....	0	0.00
Foreign Relations Committee .....	0	0.00

Other offices	Total Pieces	Total Cost
Governmental Affairs Committee .....	0	0.00
Judiciary Committee .....	0	0.00
Labor Committee .....	0	0.00
Rules Committee .....	0	0.00
Small Business Committee .....	0	0.00
Veterans Affairs Committee .....	0	0.00
Ethics Committee .....	0	0.00
Indian Affairs Committee .....	0	0.00
Intelligence Committee .....	0	0.00
Aging Committee .....	0	0.00
Joint Economic Committee .....	0	0.00
Joint Committee on Printing .....	0	0.00
Jcmte Congress Inaug. ....	0	0.00
Democratic Policy Committee .....	0	0.00
Democratic Conference .....	0	0.00
Republican Policy Committee .....	0	0.00
Republican Conference .....	0	0.00
Legislative Counsel .....	0	0.00
Legal Counsel .....	0	0.00
Secretary of the Senate .....	0	0.00
Sergeant at Arms .....	0	0.00
Narcotics Caucus .....	0	0.00

**THE RETIREMENT OF JAMES E. CARNEY FROM THE RHODE ISLAND DEPARTMENT OF HEALTH**

Mr. PELL. Madam President, at the end of 1994, the Rhode Island Department of Health suffered an enormous loss—the retirement of James E. Carney. Jim was with the department of health for 16 years, serving as its director of community affairs for 13 years.

And what a job he did. There was no question, no deadline, no request that I or my staff made that Jim Carney could not handle quickly, courteously, and to the point. He was always well informed about the activities and mission of the department, and the need for communication and coordination with other branches of government. He was a public servant in the very finest sense of the word, and we will sorely miss his help, his good humor, and his presence at the department of health.

Jim was involved in the passage and implementation of many laws and programs, including the HMO Act of 1983; the central cancer registry at the department of health; newborn screening programs, childhood immunization and lead screening programs; oversight of the State medical examiner's office; protection of the rights of the terminally ill, and promotion of public health research and minority health programs.

I regret to hear that Jim has not been in the best of health recently, and, on behalf of myself, my staff, and the people of Rhode Island, I want to wish him a speedy recovery, a long and happy retirement, and the best of everything in the future.

**RETIREMENT OF ROBERT J. PFEIFFER**

Mr. INOUBE. Madam President, I have known Robert J. Pfeiffer, the outgoing chairman of the Board of Alexander & Baldwin, Inc. for many years. He is an acknowledged and respected leader in the shipping industry in Hawaii and in our Nation. I wish to join the people of Hawaii in wishing him a happy and rewarding retirement.

Bob Pfeiffer was born in Fiji in 1920. As a very young child he came to Honolulu, was educated at McKinley High School and became a deckhand

for the Inter-Island Steam Navigation Co., Ltd., of which he later became president.

Bob Pfeiffer's career with Alexander & Baldwin [A&B] began in 1956 when he joined its subsidiary, Matson Navigation Co., Inc. Matchinal Corp., a Matson off-shoot, was a stevedoring and terminal company in the San Francisco Bay area, which Bob Pfeiffer joined as vice president and general manager. In 1962 he was promoted to president of Matson Terminals, Inc., another Matson subsidiary. He was appointed Matson president and CEO in 1973; he has served as Matson's chairman continuously since 1979. At Matson, he guided the company through a period of tremendous growth and success and in the process transformed it into one of the world's most efficient, modern ocean transportation companies.

Bob Pfeiffer was named to A&B's board of directors in 1978; he was appointed president of A&B the next year. He assumed the posts of chief executive officer and chairman of the board in 1980. Under his leadership, A&B has grown, modernized, and diversified. Bob Pfeiffer also earned the company a solid reputation for involvement in philanthropic activities and community affairs, both in Hawaii and California, its two principal places of business.

Today, the Alexander & Baldwin Foundation, which he created, has established a level of giving in excess of \$1 million a year. Bob Pfeiffer has served on many corporate, professional and non-profit boards and organization, often in leadership positions. These include First Hawaiian, Inc.; First Bank; the Chamber of Commerce of Hawaii; the American Bureau of Shipping; the Maritime Transportation Research Board of the National Academy of Sciences, as chairman; and many others.

Bob Pfeiffer's community and professional leadership earned him numerous honors. The latest was the presentation to him on January 25, 1995, of the Charles Reed Bishop Medal by Honolulu's Bishop Museum, which cited his "leadership and personal example" in making A&B "a leader in corporate citizenship \* \* \* through its exemplary support of community organizations \* \* \*"

In 1986 the Aloha Council of the Boy Scouts of America honored him with the Distinguished Citizen of the Year Award and in 1985 the United Seamen's Service gave him its Admiral of the Ocean Sea Award in New York. Bob Pfeiffer has been granted honorary doctorates by the Marine Maritime Academy, the University of Hawaii, and Hawaii Loa College.

His outstanding contributions to the State of Hawaii and to our Nation will not be forgotten.

**THREAT OF ORGANIZED CRIME IN EASTERN EUROPE**

Mr. NUNN. Madam President, in May of last year the Senate Permanent Subcommittee on Investigations held a hearing on the growing threat of organized crime in Eastern Europe and the countries of the former Soviet Union. This hearing featured an historic joint appearance by Louis Freeh, the Director of the FBI, Hans-Ludwig Zschert, the President of Germany's Bundeskriminalamt, and General Mikhail Yegorov, the head of Russia's Organized Crime Control Department.

In his prepared statement submitted to the subcommittee, General Yegorov made reference to an Austrian company by the name of Nordex, implying that its president was an individual known as Umar Vokov, who is suspected by Russian authorities of underground criminal activity. Recently, the subcommittee has received a letter from the real president of Nordex, a Mr. G. Loutchansky, disputing General Yegorov's statement and denying any relationship between Nordex and Umar Vokov. Mr. Loutchansky also provided the subcommittee with a letter from the Russian Ministry of Internal Affairs to Nordex's attorney in which the Ministry accepted Nordex's assurances concerning Vokov and expressed regret to Nordex for any inaccuracies in General Yegorov's statement.

Mr. Loutchansky had sought to have these letters added to the subcommittee's hearing record in order to correct any misimpressions which could result from the printing of General Yegorov's original statement. Unfortunately, by the time the subcommittee received Mr. Loutchansky's request the hearing record had already gone to print. While I have directed that Mr. Loutchansky's material be included in the official exhibits to the hearing, I believe it is important that they also be placed on the public record. For this reason, I would ask that the correspondence between Mr. Loutchansky and the subcommittee and the letter from the Russian Ministry of the Internal Affairs to Nordex's attorney be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON GOVERNMENTAL AFFAIRS,  
Washington, DC, February 7, 1995.

Mr. G. LOUTCHANSKY,  
President, Nordex G.m.b.H.,  
Vienna, Austria

DEAR MR. LOUTCHANSKY: The Permanent Subcommittee on Investigations has received your letter of December 2, 1994, in which you dispute a statement in the prepared testimony of First Deputy Minister Mikhail Yegorov submitted to the Subcommittee in connection with its May 25, 1994 hearing on "International Organized Crime and Its Impact on the United States." This statement concerned an alleged relationship between your company and an individual named Umar Vokov, who is suspected by Russian authorities of criminal activity. Attached to your letter was a letter from the Russian Ministry of Internal Affairs which

accepted your assurances of a lack of any relationship between your company and this individual and expressed regret for any inaccuracies regarding this matter in the statement of First Deputy Minister Yegorov.

You have requested that these letters be made a part of the printed record of the Subcommittee's proceedings. Under normal circumstances, the Subcommittee would be happy to accommodate such a request; however, by the time the Subcommittee received your letter, the hearing record was already in the process of being printed. Although the Subcommittee is thus unable to include this information in the printed record, I have directed that it be included in the official exhibits to the hearing. As such the information will become part of the permanent records of the Subcommittee with respect to these proceedings. I will also request that your material be reprinted in the Congressional Record.

I thank you for bringing this matter to the attention of the Subcommittee.

Sincerely,

SAM NUNN.

NORDEX,

Vienna, Austria; Dec. 2, 1994.

*Subject: hearing of the Committee on May 25, 1994, Testimony of Mr. Mikhail Yegorov, First Deputy Minister and Head of the Organized Crime Control Department, Russian Ministry of Internal Affairs.*

Hon. Senator SAM NUNN,  
Chairman, Committee on Governmental Affairs,  
Permanent Subcommittee on Investigations,  
Capitol Hill, Washington, DC.

DEAR SENATOR NUNN, In subject Testimony the Russian Deputy Minister stated:

"Vokov's brother Umar is the President of the Austrian company Nordex, located in Vienna, and also suspected of underground business."

This statement of Minister Yegorov went on the Congressional files, and had probably also been picked up by various agencies of the Government of the United States of America.

We were very concerned about this statement and its implications, since neither Vokov nor his brother Umar are or were shareholders, directors, or employees of our company or any of their associated companies. We have, therefore, taken up this matter with the Russian Ministry of Internal Affairs and enclosed herewith is a copy of their letter, dated November 9, 1994, together with a translation thereof, which I believe clarifies the position.

Nordex G.m.b.H. is a very big Trading house based in Vienna and has no connections whatsoever to organized crime or any other illegal activities.

It is, therefore, essential that the correction and expression of regret contained in the a/m letter of the Russian Ministry of Internal Affairs, dated November 9, 1994, be entered into the public record of your Committee and also passed on to the various governmental organizations, so that the reputation of Nordex G.m.b.H. and its associates, is cleared.

May we ask you to kindly confirm the receipt of this letter and for your consent to take the requested steps. If you require any further information, please feel free to contact us.

We remain, Sir,

Sincerely yours,

G. LOUTCHANSKY,  
President.

MINISTRY OF INTERNAL AFFAIRS  
OF THE RUSSIAN FEDERATION,  
City Moscow, November 9, 1994.

To Dr. GABRIEL LANSKY,  
Lawyer,  
Vienna, Austria.

DEAR MR. LANSKY, The Ministry of Internal Affairs of the Russian Federation has examined your letter of August 29, 1994, and subsequent letters, concerning the speech of the First Deputy Minister of Internal Affairs, M. Egorov, on May 25, 1994, in the course of open hearings of the Permanent Subcommittee on Investigations of the USA Senate on the question of organized crime in the republics of the former USSR.

The quotation in your letter has been taken from M. Egorov's written thesis, which was handed to the organizers of the hearings, and not from the transcript of proceedings of his speech in the Subcommittee.

Having received your assurances that Umar Bokov is neither an employee, nor a manager, nor a shareholder of either the "Nordex GmbH" company or of any of its branches, representative offices or joint ventures, one could state with regret, that an inaccuracy occurred in the quotation, which was caused by two circumstances.

Firstly, in the course of the investigation of the criminal case in connection with the murder of a militiaman, Umar Bokov, while given evidence, stated his place of work as the firm "Nordex", situated in Vienna, and also presented himself as its president. The preliminary examination proved the existence of a firm with the given name in Vienna and the fact that U. Bokov used to leave for Austria on commercial business trips. There was no need to prove U. Bokov's place of work because he was merely a witness in that case.

Secondly, at the stage of translation or typing of M. Egorov's thesis, the important word in this context, "likely" (also given in English in the text), which applied to the phrase that U. Bokov is the president of the Austrian company "Nordex", was omitted.

Expressing regret concerning the inaccuracy, we declare that the Ministry of Internal Affairs of Russia had no basis for, or intention of, connecting the "Nordex GmbH" company and its actual President, G. Loutchansky, with the underground business in general or, in particular, with international drug trafficking.

The quotation stated in your letter applies exclusively to Umar Bokov.

Yours faithfully,

V.P. GORTCHAKOV.

#### SUBCOMMITTEES OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Madam President, I ask to have printed in the RECORD the membership and jurisdiction of the subcommittees of the Committee on Foreign Relations as agreed to by the committee pursuant to its business meeting on January 11, 1995.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

##### COMMITTEE ON FOREIGN RELATIONS

(The chairman and ranking minority member of the full committee are ex officio members of each subcommittee on which they do not serve as members)

##### SUBCOMMITTEE ON EUROPEAN AFFAIRS

###### Jurisdiction:

The subcommittee deals with matters concerning the continent of Europe, including the newly independent states of former So-

viet Union and member states of the North Atlantic Treaty Organization. Matters relating to Greenland, Iceland, and the north polar region are also the responsibilities of this subcommittee.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

##### Republicans

Richard G. Lugar,  
Chair  
Nancy L. Kassebaum  
Hank Brown  
Olympia J. Snowe  
Fred Thompson

##### Democrats

Joseph R. Biden, Jr.,  
Ranking  
Claiborne Pell  
Paul S. Sarbanes  
Russell D. Feingold

##### SUBCOMMITTEE ON AFRICAN AFFAIRS

###### Jurisdiction:

The subcommittee has geographic responsibilities corresponding to those of the Bureau of African Affairs in the Department of State. The subcommittee considers all matters and problems relating to Africa, with the exception of countries bordering on the Mediterranean Sea from Egypt to Morocco, which are under the purview of the Subcommittee on Near Eastern Affairs.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

##### Republicans

Nancy L. Kassebaum, Chair  
Olympia J. Snowe  
John Ashcroft

##### Democrats

Russell D. Feingold,  
Ranking  
Dianne Feinstein

##### SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

###### Jurisdiction:

This subcommittee deals with all matters and problems relating to the Middle East and Arab North Africa, including Arab-Israeli and inter-Arab issues, economic relations, and general security in the Persian Gulf, Mediterranean, the Middle East and North Africa. This subcommittee also deals with matters and problems relating to Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, and Sri Lanka.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

##### Republicans

Hank Brown, Chair  
Olympia J. Snowe  
Fred Thompson  
Craig Thomas  
Rod Grams

##### Democrats

Dianne Feinstein,  
Ranking  
Paul S. Sarbanes  
John F. Kerry  
Charles S. Robb

##### SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

###### Jurisdiction:

The geographic scope of this subcommittee extends from the Arctic Ocean to Tierra del Fuego, including the Caribbean. Problems which are of concern to the subcommittee include relations between the American nations, U.S.-Canadian affairs, boundary matters, the implementation of various treaties

and conventions, economic relations and security matters affecting the Western Hemisphere, and the Organization of American States.

This subcommittee also exercises general oversight over all of the activities and programs of the Peace Corps.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

Republicans	Democrats
Paul Coverdell, Chair	Christopher J. Dodd, Ranking
Jesse Helms	Claiborne Pell
Richard G. Lugar	Charles S. Robb
Fred Thompson	

#### SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

##### Jurisdiction:

The subcommittees responsibilities include all matters, problems and policies involving international operations. This jurisdiction includes the general oversight responsibility for the Department of State, the United States Information Agency, the Foreign Service, international educational and cultural affairs, foreign broadcasting activities, foreign buildings, operational budget of the United States Agency for International Development, United States participation in the United Nations, its affiliated organizations, and other international organizations not under the jurisdiction of other subcommittees. The subcommittee also has jurisdiction over general matters of international law, law enforcement, and illegal activities.

Republicans	Democrats
Olympia J. Snowe, Chair	John F. Kerry, Rank- ing
Jesse Helms	Claiborne Pell
Hank Brown	Joseph R. Biden, Jr.
Paul Coverdell	Russell D. Feingold
John Ashcroft	

#### SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

##### Jurisdiction:

The subcommittee's responsibilities encompass U.S. foreign economic policy, including export enhancement and trade promotion, and international economic growth and development. The subcommittee's jurisdiction includes measures that address:

- (1) the enhancement of American exports and promotion of U.S. trade opportunities and commercial interests abroad;
- (2) the promotion of and protection of economic interests of U.S. citizens abroad;
- (3) international investment, management, intellectual property, technological transfer and general commercial policies;
- (4) international monetary policy, including U.S. participation in international financial institutions.

The subcommittee is also responsible for matters and policies involving the use, development and protection of the environment, including the oceans and space.

Republicans	Democrats
Fred Thompson, Chair	Paul S. Sarbanes, Ranking
Craig Thomas	Claiborne Pell
Rod Grams	Joseph R. Biden, Jr.
John Ashcroft	

#### SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

##### Jurisdiction:

The geographic scope of the subcommittee extends from China and Mongolia to Burma, inclusive of the mainland of Asia, Japan, Taiwan, Hong Kong, the Philippines, Malaysia, Indonesia, Australia and New Zealand, Oceania, and the South Pacific Islands.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

Republicans	Democrats
Craig Thomas, Chair	Charles S. Robb, Ranking
Richard G. Lugar	Joseph R. Biden, Jr.
Nancy L. Kassebaum	John F. Kerry
Paul Coverdell	Dianne Feinstein
Rod Grams	

#### RULES OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Madam President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Foreign Relations for the 104th Congress adopted by the committee on January 11, 1995.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

#### RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted January 11, 1995)

##### RULE 1—JURISDICTION

(a) Substantive.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.

17. Treaties and executive agreements, except reciprocal trade agreements.

18. United Nations and its affiliated organizations.

19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) Oversight.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that “\* \* \* each standing Committee \* \* \* shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee.”

(c) “Advice and Consent” Clauses.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing “advice and consent” to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

##### RULE 2—SUBCOMMITTEES

(a) Creation.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) Assignments.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than four subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) Meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations

or limitations as the Committee may from time to time prescribe.

#### RULE 3—MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) Additional Meetings.—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) Minority Request.—Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) Public Announcement.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) Procedure.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) Closed Sessions.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national de-

fense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) Staff Attendance.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specified meetings.

#### RULE 4—QUORUMS

(a) Testimony.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) Business.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) Reporting.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or

recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

#### RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

#### RULE 6—WITNESSES

(a) General.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) Presentation.—If the Chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) Filing of Statements.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority member following their determination that there is good cause for failure to file such a statement.

(d) Expenses.—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) Requests.—Any witness called for a hearing may submit a written request to the Chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

#### RULE 7—SUBPOENAS

(a) Authorization.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) Return.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) Depositions.—At the direction of the Committee, staff is authorized to take depositions from witnesses.

## RULE 8—REPORTS

(a) Filing.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the senate at the earliest practicable time.

(b) Supplemental, Minority and Additional Views.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee, with the 3 days to begin at 11:00 p.m. on the same day that the Committee has ordered a measure or matter reported. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) Rollcall Votes.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

## RULE 9—TREATIES

(a) The Committee is the only Committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

## RULE 10—NOMINATIONS

(a) Waiting Requirement.—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) Public Consideration.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) Required Data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential statement and financial disclosure report with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities;

(4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

## RULE 11—TRAVEL

(a) Foreign Travel.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel. Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee. When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the committee not accompanying a member of the committee, all members of the committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) Domestic Travel.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) Personal Staff.—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

(d) Personal Representatives of the Member (PRM).—For the purposes of Rule 11 as regard staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each Member of the Committee may designate one personal staff member as the "Personal Representative of the Member."

## RULE 12—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with

the concurrence of the Ranking Minority Member, determines otherwise.

(b) Classified or Restricted Transcripts.—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed 2 weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) Declassification—

(1) All restricted transcripts and classified Committee reports shall be declassified on a

date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee;

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

#### RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

#### RULE 14—STAFF

##### (a) Responsibilities—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time

for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

##### (b) Restrictions—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(ii) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action; and

(iii) staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized

disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

#### RULE 15—STATUS AND AMENDMENT OF RULES

(a) Status.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) Amendment.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, Rules of the Committee which are based upon Senate Rules may not be superseded by Committee vote alone.

#### UNITED STATES TRADE SANCTIONS ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS. Madam President, late yesterday afternoon the Office of the United States Trade Representative received a letter from Wu Yi, the PRC Minister of Trade, stating that the Chinese were prepared to resume talks in Beijing next week on the issue of infringements on American intellectual property rights.

As I noted on the floor of the Senate yesterday, since 1992 the PRC has failed to live up to its obligations under the memorandum of understanding on intellectual property rights. Factories throughout China, especially in the southern and eastern provinces, continue to mass-produce pirated versions of American computer software, compact discs, CD-ROM's, and video and audio cassettes mostly for sale abroad. The USTR estimates that the sale of these pirated items has cost U.S. businesses more than \$1 billion. Efforts by the USTR to bring the PRC into compliance with the MOU have failed, resulting in the proposed sanctions announced by the administration on Saturday.

Madam President, I am very pleased that the Chinese Government has agreed to resume negotiations over this vitally important issue. A strong and equitable relationship between our two countries is of the utmost importance, and I know that no one relished the prospect of a protracted trade dispute. I hope that the PRC will use this opportunity to constructively address our grievances, and move toward adopting stronger measures to curb economic piracy.

#### IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Madam President, the incredibly enormous Federal debt is a lot like television's well-known energizer bunny—it keeps going and

going—at the expense, of course, of the American taxpayer.

A lot of politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress—which perhaps is a primary factor in the new configuration of U.S. Senators.

This is a rather distressing fact as the 104th Congress gets down to business. As of Friday, February 3, 1995, the Federal debt stood—down to the penny—at exactly \$4,804,906,983,189.27 or \$18,239.50 per person.

Madam President, it is important that all of us monitor, closely and constantly, the incredible cost of merely paying the interest on this debt. Last year, the interest on the Federal debt totalled \$190 billion.

Madam President, my hope is that the 104th Congress can bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

#### ED LEVI—AN OUTSTANDING ATTORNEY GENERAL

Mr. KENNEDY. Madam President, today marks the 20th anniversary of the swearing-in of Edward Levi as Attorney General of the United States under President Gerald Ford.

Throughout our history, we have been fortunate when the right man has served in the right job at the right time. Ed Levi was the right man at the right time when he was nominated by President Ford and confirmed by the Senate as Attorney General.

Those were turbulent times. Skepticism and cynicism abounded. The Department of Justice was still suffering from the Watergate scandal. Two Attorneys General had been indicted. Another had resigned rather than follow a President's order. In just over a year, the Department of Justice had three Attorneys General, three Deputy Attorneys General, and even more assistant attorneys general. Stories began to surface about abuses committed by the Federal Bureau of Investigation—the arm of government entrusted with the investigation of violations of the law. Select committees were formed to investigate the FBI as well as the CIA and other intelligence agencies. Faith in the fairness and integrity of the administration of Federal justice was at a low ebb.

Levi, in his 2 short years as Attorney General, restored that faith. He did it by the sheer force of his own integrity, by a concerted effort to articulate the standards that would govern government conduct, and by his demonstration to the public that these standards

would ensure that our Nation remained a government of laws.

There was not time, of course, to do everything. There never is. But much was accomplished. Standards were formulated to guide the conduct of the FBI. As a protection against abuses of the past, guidelines were developed for the first time to govern domestic security, foreign intelligence and counter-intelligence investigations, and other aspects of the Bureau's work, including the handling of informants and background employment investigations.

All of these issues were extremely controversial. One statistic demonstrates the profound effect that these guidelines have had on the Bureau's operation. In July 1973, the FBI had more than 21,000 open domestic security cases. Many were investigations of Americans and American groups who were considered to be threats to domestic security. After the guidelines were adopted, by September 1976, the number was reduced to 626. It is even lower today.

The test of time has demonstrated that these efforts did not hamstring the FBI. They strengthened the Bureau and protected its agents. These principles still guide the Bureau's operations.

Another controversial practice split constitutional scholars and sowed the seeds of Government distrust. When Ed Levi became Attorney General, the FBI tapped telephones and planted microphones to gather foreign intelligence without any prior judicial approval—that is, without a warrant. Though approval of the Attorney General was required for this warrantless electronic surveillance, suspicions were rife about who was being wiretapped and how many listening posts existed throughout the country.

To reassure the public, Attorney General Levi took several steps. He announced that there were no outstanding instances of warrantless taps or electronic surveillance directed against American citizens. He then undertook, at every opportunity, to discuss the process and safeguards that guided the use of electronic surveillance. But he realized that he could not eliminate this distrust of Government without legislation that would balance the need to protect personal privacy and the need to protect the Nation from foreign terrorism.

He proposed a law that provided a judicial warrant mechanism employed by a special court, shaped to meet the particular problems of foreign intelligence and to do so within constitutional standards. Just as he had done in drafting the FBI guidelines, he consulted with Congress in the best nonpartisan tradition. Indeed, the legislation was drafted by the staffs of the Department of Justice and the Senate Judiciary Committee, working closely with the Attorney General and many Members of Congress. I recall frequent conversations with Attorney General Levi concerning this proposed legislation. Soon after its introduction, the bill was

overwhelmingly approved by the Senate Judiciary Committee and the Senate Intelligence Committee. It was enacted in the next Congress as the Foreign Intelligence Surveillance Act and it is a tribute to Attorney General Levi's principled and effective leadership.

Other accomplishments were just as important. As the guidelines governing decisions about how and when to conduct investigations were nearing completion, the process was launched to establish standards to govern the equally important area of prosecutorial decisions—such as when to charge an accused, when to bargain for a guilty plea, when the Federal Government should prosecute an individual already prosecuted in State court for a related offense, and when to grant immunity in exchange for testimony. Immigration policies were reformulated to deal with illegal immigration within a framework that protected the rights of individuals. His comments then are just as relevant today:

We must remember that we face the problem of unlawful immigration because we remain the world's best hope. Unauthorized immigrants are responding to the same human impulses that motivated each of our forebears. We must address the illegal alien issue in a manner compatible with our democratic values and our tradition as a nation of nations.

I also recall the time when the Ford administration, acting through Attorney General Levi, proposed major new handgun control legislation to require a waiting period before a handgun could be purchased. The Ford administration sought in vain to find a Senator from the President's own party willing to introduce such legislation. I met with the Attorney General and offered to sponsor the administration's legislation in an effort to advance the debate over handgun control. The Attorney General recognized that any comprehensive effort by the Federal Government to stem the tide of violent crime required effective handgun control legislation. The successful and bipartisan enactment of the Brady law in the last Congress owes a great deal to the leadership of Ed Levi many years ago.

Throughout his tenure as Attorney General, Ed Levi was guided by the fundamental principle of equal justice under law for all Americans. He believed that faith in the law must continually be renewed or else it is lost. As he said near the end of his services as Attorney General in words that should still guide us today—

In a society that too easily accepts the notion that everything can be manipulated, it is important to make clear that the administration of justice seeks to be impartial and fair, and that these qualities are not inconsistent with being effective.

A grateful Nation pauses today on this anniversary to honor a great Attorney General for all he did at a difficult period in our history to restore the Nation's faith in its system of law

and justice. Ed Levi is a profile in courage, and a proud example for all citizens of excellence in the law and justice at its best.

#### HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Madam President, I rise today to continue my weekly practice of reporting to the Senate on the death toll by gunshot in New York City. Last week, 8 people were killed by firearms in New York City, bringing this year's total to 66.

#### THE PRESIDENT'S IMMIGRATION INITIATIVE

Mr. SIMON. Madam President, the administration has come under much criticism lately for its alleged failure to provide leadership on issues that are important to the nation. The 1996 Immigration Initiative announced by the administration this week, however, belies these contentions. The administration's policy proposal on this extremely important issue is thoughtful and comprehensive, and I applaud it.

The administration's initiative recognizes, as do the people of this country, the need to formulate an effective response to the problem of illegal immigration, and proposes increased resources not only for border enforcement, but also increased resources to eliminate the job magnet that will continue to draw undocumented aliens into the country regardless of the success of our border policy. The initiative also reflects a desire to improve our ability to deport those aliens that have been identified as deportable, and to assist States that have long borne the burdens of our inability to prevent illegal immigration.

For each of these objectives the administration has proposed the commitment of substantial resources; yet, at the same time, the initiative contains little that unnecessarily feeds the anti-immigrant xenophobia that has characterized the immigration policy debate in recent years. Rather, the administration's proposal takes a measured yet aggressive approach to the problems we must face. In short, while it has taken an undeniably firm stance against illegal immigration, the administration has not succumbed to the belief that immigration in all its shapes and forms is a bad thing. Quite the contrary: the initiative reflects the fact that, as the President has said, an effective immigration policy must combine deterrence of illegal immigration with an encouragement and celebration of legal immigration.

I look forward to working with the administration and my colleagues in the Senate to effect this delicate balance, and to implement an immigration policy that is both tough and fair. The administration's proposal is certainly a great step in this direction.

#### SENATOR CLAIBORNE PELL'S SPEECH BEFORE THE GEORGETOWN UNIVERSITY LAW CENTER ON THE LAW OF THE SEA CONVENTION

Mr. DODD. Madam President, on Friday, January 27, 1995, Senator CLAIBORNE PELL spoke at the Georgetown University Law Center on the topic of the United Nations Convention on the Law of the Sea. During that speech, Senator PELL made a very strong case for United States ratification of the Law of the Sea Treaty.

As many of my colleagues may already know, Senator PELL has been a leading advocate for promoting the peaceful uses of the oceans for more than four decades. I believe he first became interested in the subject as a young man in the service of the U.S. Coast Guard—an interest he has continued to pursue with energy and imagination since he was elected to the Senate in 1960.

While the national security implications associated with the Law of the Sea Convention have been widely discussed over the years, I do not believe that as much attention has been focussed on the economic implications of the treaty. In that regard, Senator PELL's speech on January 27, very clearly spelled out the economic importance of the treaty to the United States. I found his arguments most useful in gaining a fuller appreciation of the treaty's many provisions.

I know that Senator PELL very enthusiastically endorsed President Clinton's decision to sign the Law of the Sea Convention and to seek the advice and consent of the Senate to its ratification. And, that he believes it to be of the utmost importance that the United States become a party to this important convention as soon as possible.

I am confident that Senator PELL is willing and eager to play an active role in educating this body on the very important issues associated with the Law of the Sea Convention. I hope that the Senate will have an opportunity to address this subject during the 104th Congress.

Madam President, I ask unanimous consent that a copy of Senator PELL's speech at Georgetown University Law Center be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

#### ADDRESS BY SENATOR CLAIBORNE PELL

It is a great pleasure to join you here this evening at the Georgetown University Law Center to discuss the United Nations Convention on the Law of the Sea. This is a subject that is near to my heart and one that I have been involved with for much of my working career.

With its transmission to the Senate in October and entry into force in November, the Convention has again moved to the fore as an issue for public debate.

These events make today's symposium particularly timely, and I want to thank the organizers, and especially Mr. Eric Fersht, for their outstanding work. The panels you have

heard from provide a truly exceptional array of information about the Law of the Sea Convention.

The initial support for this idea was led by Arvid Pardo, Malta's delegate to the United Nations, with his famous "Common Heritage of Mankind" speech before the United Nations General Assembly in 1967.

The Convention then became the interest of many people. I remember particularly the "Pacem in Maribus"—Peace on the Seas—meetings organized by Elizabeth Mann Borgese.

Her book, *The Ocean Regime*, published in 1968, gave written expression to the ideas that were to gain a wider audience through *Pacem in Maribus*, on their way to being embodied in the negotiated texts of the Law of the Sea Convention.

For me the dream began even earlier. It was during my service in the U.S. Coast Guard during World War II that I wrote my first memorandum on the subject to Admiral Waesche, then Commandant of the Coast Guard. And even before that I had been appointed by President Eisenhower as a Delegate to the first meeting of IMCO (the International Maritime Consultative Organization.)

My service on the staff of the San Francisco Convention that prepared the UN Charter, just fifty years ago this summer, further confirmed me in my belief that ways could be found to create a working ocean peace system.

The Law of the Sea Convention is the product of one of the more protracted negotiations in diplomatic history. When the process began, the Vietnam War was nearing its peak; the Cold War was at its height; it had been only five years since the construction of the Berlin Wall.

I was proud to serve as a delegate and observer to those early Law of the Sea negotiations, one of the few who had also attended a *Pacem in Maribus* meeting. My enthusiasm led me in 1967 to introduce the first Senate Resolution calling on the President to negotiate a Law of the Sea Convention.

That resolution and a draft treaty that I proposed in 1969 led to the Seabed Arms Control treaty, which was ratified by the Senate in 1972. This little-known treaty has permanently removed nuclear weapons and other weapons of mass destruction from the ocean floor, which is seventy percent of the earth's surface.

It has been signed by nearly 100 countries, it works, and it provides a good precedent for the Convention on the Law of the Sea.

With the Seabed Arms Control Treaty as my model, you can appreciate my enthusiasm for the Law of the Sea Convention. In my view there are few actions that the Senate can take in the year or two ahead that can have greater long term benefits for the world as a whole than to ratify this Treaty.

The implications for world peace are enormous; the potential for trade and development is equally far-reaching. I hope this Convention will not be caught up in a spate of politics as usual, but will be seen in the framework of a renewed commitment to bipartisanship in foreign policy.

The old saying was that "politics stops at the water's edge." That would be an apt motto for our consideration of Law of the Sea, since its scope begins precisely at "the water's edge."

Let me outline just a few of the reasons that have come to make me such a strong supporter of the Convention.

Of greatest importance, the Convention will enhance our national security, because it establishes as a matter of international law, freedom of navigation rights that are critical to our military forces.

At the Foreign Relations Committee's hearing on the Convention in August, Admiral William Center—whom you heard this morning—testified, "The Convention underpins strongly the worldwide mobility America's forces need. It provides a stable legal basis for governing the world's oceans. It reduces the need to fall back on a potentially volatile mixture of customary practice and gunboat diplomacy."

The Secretary of Defense, William J. Perry, also supports prompt Senate action "to send a strong signal that the United States is committed to an ocean regulatory regime that is guided by the rule of law."

I have heard arguments that the Convention's provisions on freedom of navigation are not really important because they reflect customary international law. I disagree with that argument.

Customary international law is inherently unstable. Governments can be less scrupulous about flouting the precedents of customary law, than they would be if such actions are seen as violating a treaty.

Moreover, not all governments and scholars agree that all of the critical navigation rights protected by the Convention are also protected by customary law.

They regard many of those rights as *contractual* and, as such, available only to parties to the Convention.

For example, it was not long ago that the United States claimed a territorial sea of only three miles. Now it is twelve. I am certain there are countries that would like to expand their territorial sea even further. Only the Convention establishes limits on countries' claims to territorial seas as a matter of international law.

These navigational rights are of very real importance to our armed forces. There have been recent situations where even U.S. allies denied our forces transit rights in times of need.

For example, during the 1973 Yom Kippur war our ability to resupply Israel was critically dependent on transit rights through the Strait of Gibraltar. In 1986, U.S. aircraft passed through the Strait to strike Libyan targets in response to that government's acts of terrorism directed against the United States.

On February 11, 1992, the USS BATON ROUGE (SSN689) was struck by a Russian Sierra-class attack submarine while on patrol in the Barent Sea, off the major naval port of Murmansk. The USS BATON ROUGE, a Los Angeles-class attack submarine, was submerged at a depth of 59 feet at the time of the collision, in waters claimed by Russia as territorial, but considered by the United States to be high seas.

In addition, the following examples are situations where having the Law of the Sea Convention in effect might have made a difference:

Between 1961 and 1970, Peru seized 74 U.S. fishing vessels over disputed tuna fisheries.

In 1986, Ecuador interfered with the USAF aircraft flight over the high seas 175 miles from the Ecuadorian coast.

Since 1986, Peru has repeatedly challenged U.S. aircraft flying over its claimed 200 nautical mile territorial sea. During several of these challenges, the Peruvian aircraft operated in a manner that unnecessarily and intentionally endangered the safety of the transiting U.S. aircraft and its crew.

This includes an incident where a U.S. C-130 was fired upon and a U.S. service member was killed.

In 1986, two Cuban MIG-21 aircraft intercepted a USCG HU-25A Falcon flying outside of its 12 nautical mile territorial sea, claiming it had entered Cuban Flight Information Region (FIR) without permission.

In 1988, Soviet warships intentionally "bumped" two U.S. warships engaged in innocent passage south of Sevastopol in the Black Sea.

In 1984, Mexican Navy vessels approached U.S. Coast Guard vessels operating outside Mexican territorial waters and interfered with valid USCG law enforcement activities.

Libyan claims to the Gulf of Sidra have resulted in repeated challenges and hostile action against U.S. forces operating in high seas.

During the 1980's, transits of the Northwest Passage by the USCG POLAR SEA and POLAR STAR were challenged by the Canadian government.

I do not doubt that, if necessary, the United States Navy will sail where it needs to to protect U.S. interests. But, if we reject the Convention, preservation of these rights in non-wartime situations will carry an increasingly heavy price for the United States.

By remaining outside of the Convention, the United States will have to challenge excessive claims by other states not only diplomatically, but also through conduct that opposes these claims. A widely ratified Convention would significantly reduce the need for such expensive operations.

It would also afford us a durable platform of principle to ensure support from the American people and our allies when we confront claims we regard as illegal.

The Convention's provisions on freedom of navigation are also vitally important to the U.S. economy and the thousands of U.S. workers whose jobs are dependent on exports and imports. We live in an interdependent world, and 80 percent of trade between nations in this interdependent world is carried by ship.

Oil is one example of this. In 1993, 44 percent of U.S. petroleum products supplied came from imported oil. This oil was carried on tankers that every day pass through straits, territorial waters, and exclusive economic zones of other nations.

The U.S. has a vital interest in the stability of the international legal order that serves as the basis for this commerce. We also have an interest in avoiding higher prices for consumers and job losses that can result from costly coastal state restrictions on navigation.

The benefits of the Convention extend to many other areas. Protection of submarine cables is one example. The new fiber optic cables that connect the United States to other countries are crucial for international communications and our increasingly information-based economy.

These cables are enormously expensive. A new fiber optic cable connecting the United States to Japan can carry up to one million simultaneous telephone calls, and is valued at \$1.3 billion. The total value of existing cables is measured in the many billions of dollars.

When these cables are broken, U.S. companies, and ultimately U.S. consumers, incur huge repair costs. The Convention contains new provisions that strengthen the obligation of all states to take measures to protect the cables, and cable owners.

Past U.S. concerns with the Convention's provisions on deep seabed mining—concerns that had prevented the United States from signing the Convention—were resolved in an agreement signed in July at the United Nations in New York.

Earlier today, you heard about this subject from Wes Scholz, the head of the U.S. delegation to the negotiations on the Part XI Agreement. He and his negotiating team did a truly superb job in adjusting the Convention's provisions on seabed mining to provide a workable framework for the 21st century.

Looking to the future, U.S. interests in the Convention lie not only in what it is today, but in what it may become. Just as form and substance have been given our Constitution by the courts, so too will future uses of the oceans be influenced and shaped by decisions made under the Convention.

With the Convention's entry into force last November 16th, the United States stands on the threshold of a new era in oceans policy. Under the Convention, U.S. national interests in the world's oceans would be protected as a matter of law. This is a success of U.S. foreign policy that will work to our benefit in the decades to come.

The question on many people's minds now is: will the Senate act on the Convention during this, the 104th Congress?

I think that those who support the treaty should help make the case for its approval. The benefits of the Convention are many. We should not be shy in making them known. The consequences of not ratifying the Convention are also many. Those too should be made known.

Over the past 25 years, the Convention and its supporters have overcome many obstacles. The same tenacity and commitment that brought the Convention to where it is today will be needed to take the Convention the next step.

U.S. ratification of the Convention may not come quickly, but I am confident it will come. It is up to us to make that happen sooner rather than later. And when it happens, that for me will be a nearly life-long dream come true.

#### MESSAGES FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 2. An act to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts.

#### MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2. An act to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts; pursuant to the order of August 4, 1977; referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-372. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-370 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-373. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-371 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-374. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-373 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-375. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-374 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-376. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-375 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-377. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-376 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-378. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-377 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-379. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-378 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-380. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-379 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-381. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-380 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-382. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-381 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-383. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-382 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-384. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-383 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-385 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-386. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-386 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-387. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-387 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-388. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-388 adopted by the Council on De-

ember 6, 1994; to the Committee on Governmental Affairs.

EC-389. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-391 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-390. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-390 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself, Mr. GRASSLEY, Mr. INHOFE, and Mr. KEMPTHORNE):

S. 360. A bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 361. A bill to amend title 38, United States Code, to provide that the monthly amounts paid by a State to blind disabled veterans shall be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

By Ms. MIKULSKI:

S. 362. A bill to amend the Metropolitan Washington Airports Act of 1986 to provide for the reorganization of the Metropolitan Washington Airports Authority and for local review of proposed actions of the Airports Authority affecting aircraft noise; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 363. A bill to improve water quality within the Rio Puerco watershed, New Mexico, and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices that are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN:

S. 364. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National park in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself and Mr. CAMPBELL):

S. 365. A bill to amend the Federal Water Pollution Control Act to provide for the use of biological monitoring and whole effluent toxicity tests in connection with publicly owned treatment works, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FEINGOLD:

S. 366. A bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, na-

tional origin, age, or disability, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN:

S. 367. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

S. 368. A bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Con. Res. 5. A concurrent resolution permitting the use of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself, Mr. GRASSLEY, Mr. INHOFE, and Mr. KEMPTHORNE):

S. 360. A bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes; to the Committee on Environment and Public Works.

##### MOTORCYCLE HELMET AND SAFETY BELT PENALTY ELIMINATION

• Mr. SMITH. Mr. President, section 153 of the Intermodal Surface Transportation Efficiency Act [ISTEA] of 1991 (Public Law 102-240) penalizes States that do not institute mandatory motorcycle helmet and seatbelt laws. Today, I will introduce a measure to repeal this patently unfair provision that forces States to transfer scarce construction funds to other programs.

The November elections have shown that the American people want more decisionmaking authority with their State and local governments as opposed to heavy handed Federal mandates. Furthermore, outlining how a State spends its own money, which is collected through the consumer gas tax, infringes on States' ability to control their own budgets. Dangling essential highway construction money in front of States to coerce them into adopting helmet and seatbelt laws is fiscal blackmail. State governments are aware of the need for safety programs and I do not support Washington's micromanagement of issues that should clearly be left up to the States.

Mr. President, I am a strong supporter of highway safety. However, mandatory motorcycle and seatbelt laws do not guarantee safety. In fact, of the 10 safest States in which to ride

a motorcycle, 7 do not require mandatory helmet use for adults. Furthermore, New Hampshire, which does not have mandatory helmet and seatbelt laws, has been ranked as one of the five States with the best highway safety record in the Nation, as far as fatalities per million miles traveled.

Mr. President, highway safety education programs are the key to highway safety and I believe that States have the expertise and know-how to develop their own programs without Federal intimidation. I invite my colleagues to join me in supporting their States' highway departments and highway users by repealing helmet and seatbelt mandates.●

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 361. A bill to amend title 38, United States Code, to provide that the monthly amounts paid by a State to blind disabled veterans shall be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

#### LEGISLATION TO ASSIST BLIND VETERANS

● Mr. D'AMATO. Mr. President, since the mid-1930's, New York State has paid blind disabled veterans a monthly annuity. Qualified veterans—of which there are less than 2,000—receive monthly payments of \$41.66, the same amount as has been paid since the program's inception.

The blind annuity has not been adjusted upward, because should a State decide to increase its blind annuity, the U.S. Department of Veterans Affairs would respond by reducing Federal pensions paid to these individuals by the same amount. Thus, there would be no net benefit for veterans receiving the annuity.

The legislation that I and my distinguished colleague from New York, Senator MOYNIHAN, are reintroducing today will prevent the VA from penalizing blind veterans, should any State undertake or increase a blind annuity. Charity begins at home. My legislation will allow States to compensate those who have paid a very high price in defense of our country, at no cost to the Federal Government.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 361

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXCLUSION OF CERTAIN AMOUNTS FROM INCOME DETERMINATION FOR PENSION PURPOSES.

Section 1503 of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(11) amounts equal to amounts paid to a veteran by a State under a program of such State to make monthly payments to qualifying veterans who are blind and totally disabled."●

By Ms. MIKULSKI:

S. 362. A bill to amend the Metropolitan Washington Airports Act of 1986 to provide for the reorganization of the Metropolitan Washington Airports Authority and for local review of proposed actions of the Airports Authority affecting aircraft noise; to the Committee on Commerce, Science, and Transportation.

#### WASHINGTON AIRPORT ACT AMENDMENTS

Ms. MIKULSKI. Mr. President, today I introduce S. 362, the Metropolitan Washington Airports Act Amendment of 1995.

In light of the Supreme Court's decision last month which compels congressional action, I am sponsoring this legislation which finally eliminates congressional oversight over the Airports Authority Board of Directors, and makes this Board more accountable to the communities it serves. Similar legislation was introduced in the House of Representatives by my colleague, Mrs. MORELLA of Maryland.

This legislation will amend the Metropolitan Washington Airport Act of 1986 by reorganizing the Metropolitan Washington Airports Authority and providing for greater local involvement in the management of Dulles and Washington National Airports.

I believe in strong local involvement in the management of our airports. The Airports Authority Board structure which was struck down recently by the Supreme Court did not adequately incorporate representation of local communities. The legislation will restore the involvement of communities in this region into the management of the Washington area airports by reorganizing the Airports Authority Board of Directors into 11 members who reside in the Washington, DC, region. These board members will be appointed by the chief executives of Virginia, Maryland, and the District of Columbia, the Virginia State legislature, or by the local council of governments.

The legislation also ensures local involvement in any decision by the Washington Metropolitan Airports Authority Board of Directors which could result in a change in aircraft noise in the vicinity our local airports. The legislation mandates that a local group of citizens, the committee on noise abatement, be notified by the Board of any decision affecting noise abatement so that they have the opportunity to review the proposed action. In the interest of the citizens most affected by aircraft noise, I feel that local oversight is important in any airport authority decision involving the serious issue of noise abatement.

I hope my colleagues will agree with me that airports should be accountable to the communities they serve, and I

hope we will see enactment of this legislation during the 104th Congress. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 362

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1 SHORT TITLE.

This Act may be cited as the "Metropolitan Washington Airports Act Amendments of 1995".

#### SEC. 2. FINDINGS.

Section 6002(7) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451(7)) is amended—

(1) by inserting "declining" after "perceived"; and

(2) by striking "the growing local interest," and inserting "the increasing need for local planning and management on a metropolitan statistical area basis,".

#### SEC. 3. AIRPORTS AUTHORITY.

(a) BOARD OF DIRECTORS.—Section 6007 of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456) is amended by striking subsections (e), (f), (g), and (h) and inserting the following:

"(e) BOARD OF DIRECTORS.—

"(1) APPOINTMENT.—The Airports Authority shall be governed by a board of directors of 11 members as follows:

"(A) 1 member shall be appointed by the Governor of Virginia.

"(B) 1 member shall be appointed by the Mayor of the District of Columbia.

"(C) 1 member shall be appointed by the Governor of Maryland.

"(D) 2 members shall be appointed by the Virginia State legislature.

"(E) 2 members shall be appointed by those representatives from Virginia local governments who are on the Board of Directors of the Metropolitan Washington Council of Governments.

"(F) 2 members shall be appointed by those representatives from the District of Columbia government who are on the Board of Directors of the Metropolitan Washington Council of Governments.

"(G) 2 members shall be appointed by those representatives from Maryland local governments who are on the Board of Directors of the Metropolitan Washington Council of Governments.

The Chairman shall be appointed from among the members by a majority vote of the members and shall serve until replaced by a majority vote of the members.

"(2) RESTRICTIONS.—Members (A) shall serve without compensation other than reasonable expenses incident to board functions, and (B) must reside within the Washington Standard Metropolitan Statistical Area.

"(3) TERMS.—Member shall be appointed for terms of 4 years.

"(4) REQUIRED NUMBER OF VOTES.—7 votes shall be required to approve bond issues and the annual budget.

"(f) AIRPORT NOISE.—

"(1) BALANCED ENVIRONMENTAL PROTECTION.—In order to protect the public from the impact of aircraft noise and at the same time provide for suitable air transportation service to the Washington Standard Metropolitan Statistical Area, a proposed action of the board of directors which could result in a change in the impact of aircraft noise in the vicinity of a Metropolitan Washington Airport may not take unless, at least 60 days before the action is to take effect, the board of directors—

“(A) notifies, in writing, the Committee on Noise Abatement at National and Dulles Airports of the Washington Council of Governments of the action for the purpose of allowing such committee the opportunity to review, and submit comments on, the action; and

“(B) submits, in writing, to such committee a response to any comment of such committee with respect to the action within 30 days after the date of receipt of such comment.”

#### SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by sections 2 and 3 shall take effect on the date of the enactment of this Act.

(b) LIMITATION ON APPLICABILITY.—Persons appointed as members of the board of directors of the Metropolitan Washington Airports Authority on the date of the enactment of this Act shall continue to serve on such board until their respective terms expire under former section 6007(e).

##### (c) INITIAL APPOINTMENTS.—

(1) VIRGINIA APPOINTMENTS.—The Governor of Virginia shall appoint under new section 6007(e)(1)(A) a person to fill the vacancy of the first member appointed by the Governor of Virginia under former section 6007(e)(1)(A) whose term expires after the date of the enactment of this Act. The Virginia State legislature shall appoint under new section 6007(e)(1)(D) persons to fill the vacancies of the second and third members appointed by the Governor under former section 6007(e)(1)(A) whose terms expire after such date of enactment. Representatives from Virginia local governments shall appoint under new section 6007(e)(1)(E) persons to fill the vacancies of the fourth and fifth members appointed by the Governor under former section 6007(e)(1)(A) whose terms expire after such date of enactment.

(2) DISTRICT OF COLUMBIA APPOINTMENTS.—The Mayor of the District of Columbia shall appoint under new section 6007(e)(1)(B) a person to fill the vacancy of the first member appointed by the Mayor of District of Columbia under former section 6007(e)(1)(B) whose term expires after the date of the enactment of this Act. Representatives from the District of Columbia government shall appoint under new section 6007(e)(1)(F) persons to fill the vacancies of the second and third such members appointed by the Mayor under former section 6007(e)(1)(B) whose terms expire after such date of enactment.

“(3) MARYLAND APPOINTMENTS.—The Governor of Maryland shall appoint under new section 6007(e)(1)(C) a person to fill the vacancy of the first member appointed by the Governor of Maryland under former section 6007(e)(1)(C) whose term expires after the date of the enactment of this Act. Representatives from Maryland local governments shall appoint under new section 6007(e)(1)(G)—

(A) a person to fill the vacancy of the second member appointed by the Governor under former section 6007(e)(1)(C) whose term expires after such date of enactment; and

(B) a person to fill the vacancy of the member appointed by the President under former section 6007(e)(1)(D) when the term of such member expires after such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) FORMER SECTION 6007(e).—The term “former section 6007(e)” means section 6007(e) of the Metropolitan Washington Airports Act of 1986 as in effect on the day before the date of the enactment of this Act.

(2) NEW SECTION 6007(e).—The term “new section 6007(e)” means section 6007(e) of the

Metropolitan Washington Airport Act of 1986, as amended by section 3 of this Act.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 363. A bill to improve water quality within the Rio Puerco Watershed, New Mexico, and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices that are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region, and for other purposes; to the Committee on Energy and Natural Resources.

##### RIO PUERCO WATERSHED ACT

• Mr. BINGAMAN. Mr. President, today I am introducing legislation that will authorize a coordinated approach for restoration of the Rio Puerco Watershed, which at 7,000 square miles is the largest tributary to the Rio Grande in terms of area and sediment. The Rio Puerco was once known as New Mexico's breadbasket, with water supply and soil tilth to support that reputation.

Over time, extensive ecological changes have occurred in the Rio Puerco Watershed, some of which have resulted in damage to the watershed that has seriously affected the economic and cultural well-being of its inhabitants. This has resulted in the loss of existing communities that were based on the land and were self-sustaining. Mr. President, a healthy and sustainable ecosystem is essential to the long-term economic and cultural viability of the region.

According to the Bureau of Land Management, the Rio Puerco contributes only 6 percent of the total water but over 50 percent of the sediments which enter the Rio Grande. Accelerated, progressive soil erosion within the basin threatens not only the sustained productivity of the rangeland watershed, but also the middle Rio Grande aquatic system, irrigators dependent on those waters, and the economic foundation of the Mesilla Valley dependent on Elephant Butte Reservoir.

A substantial proportion of the rural population is concerned about its ability to maintain a traditional lifestyle with an economy which is natural resource based and dependent upon the productivity of land with multiple ownership. The vast Rio Puerco drainage system is a mosaic of land ownership and agency management. No single agency has watershed-wide expertise and management responsibility. It is imperative that the numerous agencies and individuals with resource management responsibility—Indian pueblos, Federal and State agencies, and private citizens—work together to develop a plan for and implement an effective Rio Puerco Watershed management program.

This legislation directs the Secretary of the Interior to lead and coordinate a

management program in the Rio Puerco Watershed with the advice and input of a Rio Puerco Management Committee composed of the various landowners, affected Indian pueblos, local, regional, State, and Federal governments, and other interested citizens.

The committee will prepare a management plan to identify reasonable and appropriate goals and objectives for land owners and managers in the Rio Puerco Watershed; to describe potential alternative actions to meet the goals and objectives; to recommend voluntary implementation of appropriate best management practices on both public and private lands; to provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on both public and private lands; and other activities that will promote cooperation and information sharing among those that own and manage land in the Rio Puerco Watershed.

Mr. President, I am pleased that Senator DOMENICI is a cosponsor of this legislation. It is our hope that this legislation will advance the restoration of and maintenance of a healthy Rio Puerco Watershed that will serve New Mexico and its citizens in the future as well as it has served us in the past. We have a lot of work ahead of us. A clear path must be outlined and a base of authorization, from which this program can be funded, established. Most importantly, this legislation authorizes an approach that brings all of the stakeholders together. The Federal Government cannot, and should not, undertake this effort alone. The support and contributions of local citizens, tribes, governmental entities, and others is crucial. I urge my colleagues to support this legislation, and I ask unanimous consent that the full text of my remarks and this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 363

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Rio Puerco Watershed Act of 1995”.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) over time, extensive ecological changes have occurred in the Rio Puerco watershed, including—

- (A) erosion of agricultural and range lands;
- (B) impairment of waters due to heavy sedimentation;
- (C) reduced productivity of renewable resources;
- (D) loss of biological diversity;
- (E) loss of functioning riparian areas; and
- (F) loss of available surface water;

(2) damage to the watershed has seriously affected the economic and cultural well-being of its inhabitants, including—

(A) loss of communities that were based on the land and were self-sustaining; and

(B) adverse effects on the traditions, customs, and cultures of the affected communities;

(3) a healthy and sustainable ecosystem is essential to the long-term economic and cultural viability of the region;

(4) the impairment of the Rio Puerco watershed has caused damage to the ecological and economic well-being of the area below the junction of the Rio Puerco with the Rio Grande, including—

(A) disruption of ecological processes;

(B) water quality impairment;

(C) significant reduction in the water storage capacity and life expectancy of the Elephant Butte Dam and Reservoir system due to sedimentation;

(D) chronic problems of irrigation system channel maintenance; and

(E) increased risk of flooding caused by sediment accumulation;

(5) the Rio Puerco is a major tributary of the Rio Grande, and the coordinated implementation of ecosystem-based best management practices for the Rio Puerco system could benefit the larger Rio Grande system;

(6) the Rio Puerco watershed has been stressed from the loss of native vegetation, introduction of exotic species, and alteration of riparian habitat which have disrupted the original dynamics of the river and disrupted natural ecological processes;

(7) the Rio Puerco watershed is a mosaic of private, Federal, tribal trust, and State land ownership with diverse, sometimes differing management objectives;

(8) development, implementation, and monitoring of an effective watershed management program for the Rio Puerco watershed is best achieved through cooperation among affected Federal, State, local, and tribal entities;

(9) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, in consultation with Federal, State, local, and tribal entities and in cooperation with the Rio Puerco Watershed Committee, is best suited to coordinate management efforts in the Rio Puerco watershed; and

(10) accelerating the pace of improvement in the Rio Puerco watershed on a coordinated, cooperative basis will benefit persons living in the watershed as well as downstream users on the Rio Grande.

### SEC. 3. MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management shall—

(1) in consultation with the Rio Puerco Management Committee established by section 4—

(A) establish a clearinghouse for research and information on management within the area identified as the Rio Puerco Drainage Basin, as depicted on the map entitled "The Rio Puerco Watershed" dated June 1994, including—

(i) current and historical natural resource conditions; and

(ii) data concerning the extent and causes of watershed impairment; and

(B) establish an inventory of best management practices and related monitoring activities that have been or may be implemented within the area identified as the Rio Puerco Watershed Project, as depicted on the map entitled "The Rio Puerco Watershed" dated June 1994; and

(2) provide support to the Rio Puerco Management Committee to identify objectives, monitor results of ongoing projects, and develop alternative watershed management plans for the Rio Puerco Drainage Basin, based on best management practices.

(b) RIO PUERCO MANAGEMENT REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall prepare a report for the improvement of watershed conditions in the Rio Puerco Drainage Basin described in subsection (a)(1).

(2) CONTENTS.—The report under paragraph (1) shall—

(A) identify reasonable and appropriate goals and objectives for landowners and managers in the Rio Puerco watershed;

(B) describe potential alternative actions to meet the goals and objectives, including proven best management practices and costs associated with implementing the actions;

(C) recommend voluntary implementation of appropriate best management practices on public and private lands;

(D) provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on public and private lands;

(E) provide for the development of public participation and community outreach programs that would include proposals for—

(i) cooperative efforts with private landowners to encourage implementation of best management practices within the watershed; and

(ii) involvement of private citizens in restoring the watershed;

(F) provide for the development of proposals for voluntary cooperative programs among the members of the Rio Puerco Management Committee to implement best management practices in a coordinated, consistent, and cost-effective manner;

(G) provide for the encouragement of, and support implementation of, best management practices on private lands; and

(H) provide for the development of proposals for a monitoring system that—

(i) builds on existing data available from private, Federal, and State sources;

(ii) provides for the coordinated collection, evaluation, and interpretation of additional data as needed or collected; and

(iii) will provide information to—

(I) assess existing resource and socioeconomic conditions;

(II) identify priority implementation actions; and

(III) assess the effectiveness of actions taken.

### SEC. 4. RIO PUERCO MANAGEMENT COMMITTEE.

(a) ESTABLISHMENT.—There is established the Rio Puerco Management Committee (referred to in this section as the "Committee").

(b) MEMBERSHIP.—The Committee shall be convened by a representative of the Bureau of Land Management and shall include representatives from—

(1) the Rio Puerco Watershed Committee;

(2) affected tribes and pueblos;

(3) the National Forest Service of the Department of Agriculture;

(4) the Bureau of Reclamation;

(5) the United States Geological Survey;

(6) the Bureau of Indian Affairs;

(7) the United States Fish and Wildlife Service;

(8) the Army Corps of Engineers;

(9) the Natural Resources Conservation Service of the Department of Agriculture;

(10) the State of New Mexico, including the New Mexico Environment Department and the State Engineer;

(11) affected local soil and water conservation districts;

(12) the Elephant Butte Irrigation District;

(13) private landowners; and

(14) other interested citizens.

(c) DUTIES.—The Rio Puerco Management Committee shall—

(1) advise the Secretary of the Interior, acting through the Director of the Bureau of Land Management, on the development and implementation of the Rio Puerco Management Program described in section 3; and

(2) serve as a forum for information about activities that may affect or further the development and implementation of the best management practices described in section 3.

(d) TERMINATION.—The Committee shall terminate on the date that is 10 years after the date of enactment of this Act.

### SEC. 5. REPORT.

Not later than the date that is 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives a report containing—

(1) a summary of activities of the management program under section 3; and

(2) proposals for joint implementation efforts, including funding recommendations.

### SEC. 6. LOWER RIO GRANDE HABITAT STUDY.

(a) IN GENERAL.—The Secretary of the Interior, in cooperation with appropriate State agencies, shall conduct a study of the Rio Grande that—

(1) shall cover the distance from Caballo Lake to Sunland Park, New Mexico; and

(2) may cover a greater distance.

(b) CONTENTS.—The study under subsection (a) shall include—

(1) a survey of the current habitat conditions of the river and its riparian environment;

(2) identification of the changes in vegetation and habitat over the past 400 years and the effect of the changes on the river and riparian area; and

(3) an assessment of the feasibility, benefits, and problems associated with activities to prevent further habitat loss and to restore habitat through reintroduction or establishment of appropriate native plant species.

(c) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior shall transmit the study under subsection (a) to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives.

### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out sections 1, 2, 3, 4, and 5 a total of \$7,500,000 for the 10 fiscal years beginning after the date of enactment of this Act.●

By Mr. FEINGOLD:

S. 366. A bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes; to the Committee on Labor and Human Resources.

#### CIVIL RIGHTS PROCEDURES PROTECTION ACT

● Mr. FEINGOLD. Mr. President, today I am introducing a bill that I also introduced in the 103d Congress. This bill mirrors a House bill introduced last year by Representatives PATRICIA SCHROEDER, EDWARD MARKEY, and Marjorie Margolies-Mezvinsky as companion legislation to my original bill, S. 2012, the Protection From Coercive Employment Agreements Act of 1994.

This bill addresses a rapidly growing practice in employment relations—the practice of requiring employees to submit claims of discrimination or harassment to arbitration as a term or condition of employment or advancement, and prohibiting the employee from resolving their claim in a court of law.

This bill amends seven specific civil rights statutes to make clear that the powers and procedures provided under those laws are the exclusive ones that apply when a claim arises. The legislation would invalidate existing agreements between employers and employees that require the employment discrimination claims to be submitted to mandatory arbitration.

The statutes this will amend are title VII of the Civil Rights Act of 1964, section 505 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, section 1977 of the Revised Statutes, the Equal Pay Act, the Family and Medical Leave Act, and the Federal Arbitration Act [FAA]. The amendment to the FAA extends the protections of the bill to claims of unlawful discrimination that arise under State or local law, and other Federal laws that prohibit job discrimination.

Mr. President, I want to reiterate that this legislation, as in the case of S. 1012, is in no way intended to bar the use of voluntary arbitration, conciliation, mediation or other informal quasi-judicial methods of dispute resolution. In fact, I strongly support the use of voluntary alternative dispute resolution methods as a way of reducing the caseloads of civil and criminal courts where appropriate.

This bill closes a widening loophole in the enforcement of civil rights laws in our Nation. An entire industry—Wall Street—and a growing number of companies and firms in many other industries have been able to circumvent formal legal challenges to their unlawful employment practices in court—a right intended to be protected by the statutes this bill amends. Employers can tell current and prospective employees, “if you want to work for us, you’ll have to check your rights as an American citizen at the door.”

Mr. President, this practice should be stopped now. It is simply unfair to require an employee to waive, in advance, his or her statutory right to seek remedy in a court of law, in exchange for employment or a promotion. This bill will restore integrity in the relations between employees and employers.

I ask unanimous consent that the text of the legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 366

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Civil Rights Procedures Protection Act of 1995”.

#### SEC. 2. AMENDMENT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.

Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) is amended by adding at the end the following new section:

##### “EXCLUSIVITY OF POWERS AND PROCEDURES

“SEC. 719. Notwithstanding any Federal statute of general applicability that would modify any of the powers and procedures expressly applicable to a claim arising under this title, such powers and procedures shall be the exclusive powers and procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.”.

#### SEC. 3. AMENDMENT TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) is amended—

(1) by redesignating sections 16 and 17 as sections 17 and 18, respectively; and

(2) by inserting after section 15 the following new section 16:

##### “EXCLUSIVITY OF POWERS AND PROCEDURES

“SEC. 16. Notwithstanding any Federal statute of general applicability that would modify any of the powers and procedures expressly applicable to a right or claim arising under this Act, such powers and procedures shall be the exclusive powers and procedures applicable to such right or such claim unless after such right or such claim arises the claimant voluntarily enters into an agreement to resolve such right or such claim through arbitration or another procedure.”.

#### SEC. 4. AMENDMENT TO THE REHABILITATION ACT OF 1973.

Section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 795) is amended by adding at the end the following new subsection:

“(c) Notwithstanding any Federal statute of general applicability that would modify any of the procedures expressly applicable to a claim based on right under section 501, such procedures shall be the exclusive procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.”.

#### SEC. 5. AMENDMENT TO THE AMERICANS WITH DISABILITIES ACT OF 1990.

Section 107 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117) is amended by adding at the end the following new subsection:

“(c) Notwithstanding any Federal statute of general applicability that would modify any of the powers and procedures expressly applicable to a claim based on a violation described in subsection (a), such powers and procedures shall be the exclusive powers and procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.”.

#### SEC. 6. AMENDMENT TO SECTION 1977 OF THE REVISED STATUTES OF THE UNITED STATES.

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended by adding at the end the following new subsection:

“(d) Notwithstanding any Federal statute of general applicability that would modify any of the procedures expressly applicable to a right to make and enforce a contract of employment under this section, such procedures shall be the exclusive procedures applicable to a claim based on such right unless after such claim arises the claimant voluntarily enters into an agreement to resolve

such claim through arbitration or another procedure.”.

#### SEC. 7. AMENDMENT TO THE EQUAL PAY REQUIREMENT UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) is amended by adding at the end the following new paragraph:

“(5) Notwithstanding any Federal statute of general applicability that would modify any of the powers or procedures expressly applicable to a claim based on violation of this subsection, such powers and procedures shall be the exclusive procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.”.

#### SEC. 8. AMENDMENT TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

Title IV of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) is amended by adding at the end the following new section:

##### “SEC. 406. EXCLUSIVITY OF REMEDIES.

“Notwithstanding any Federal statute of general applicability that would modify any of the procedures expressly applicable to a claim based on a right provided under this Act or under an amendment made by this Act, such procedures shall be the exclusive procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.”.

#### SEC. 9. AMENDMENT TO TITLE 9 OF THE UNITED STATES CODE.

Section 14 of title 9, United States Code, is amended—

(1) by inserting “(a)” before “This”; and

(2) by adding at the end the following new subsection:

“(b) This chapter shall not apply with respect to a claim of unlawful discrimination in employment if such claim arises from discrimination based on race, color, religion, sex, national origin, age, or disability.”.

#### SEC. 10. APPLICATION OF AMENDMENTS.

The amendments made by this Act shall apply with respect to claims arising on and after the date of the enactment of this Act. ●

By Mr. DORGAN:

S. 367. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

##### HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. DORGAN. Mr. President, today I rise to urge my colleagues in Congress to work quickly to pass legislation to correct a serious problem affecting our Nation’s farmers, ranchers, and small businesses.

As you know, the 25-percent tax deduction for the health insurance costs of self-employed individuals expired on December 31, 1993. This provision is absolutely critical to the health care concerns of small business owners and farmers who conduct their businesses as sole proprietors. While the 25-percent health costs tax deduction enjoys broad bipartisan support, it was not restored last year when the prospects for broader health care reform collapsed.

We should expect the outcry from small businesses to be deafening this

April unless we move quickly to extend this provision beyond its December 31, 1993 expiration date. Further, it is indefensible that our tax laws tell some businesses that they can deduct 100 percent of their health costs, while others, mostly smaller businesses, are told they can deduct none of their health care costs.

The health of a farm family or small business owner is no less important than the health of the president of a large corporation, and the Internal Revenue Code should reflect this simple fact.

That's way I am reintroducing legislation to restore tax fairness for sole proprietors who acquire health insurance coverage for themselves and their families. My bill would renew the 25-percent health insurance tax deduction as if it had not expired in December 1993. It also expands the current 25-percent deduction to 100 percent over the next several years. As a result, sole proprietors would receive the exact same tax treatment that large corporations now enjoy.

Almost no one disagrees that the tax code unfairly discriminates against self-employed business owners with respect to health care costs. Yet, Congress has always scrambled to simply retain the current 25-percent health tax deduction.

We can no longer afford to allow this provision to be held hostage to sunset provisions or politics. So long as we turn a blind eye to this problem, millions of Americans are prevented from purchasing adequate and affordable health care for themselves and their families.

We ought to move to correct this matter without further delay. This matter needs immediate attention.

By Mr. DORGAN:

S. 368. A bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax; to the Committee on Finance.

TAX TREATMENT OF INSTALLMENT SALES  
LEGISLATION

Mr. DORGAN. Mr. President, today I rise to introduce legislation to rectify a serious tax problem confronting our family farmers.

The Internal Revenue Service [IRS] has, in my opinion, mistakenly taken a position that may preclude our farmers from using deferred payment grain contracts, which have been routinely used in their businesses for decades. In my judgment, the IRS' position imposes an unintended and unacceptable financial hardship on the farming industry.

Let me briefly explain. For years, family farmers have used deferred payment grain contracts to sell their commodities to grain elevators to help manage the business income. A typical grain contract between a farmer and grain elevator calls upon a farmer to sell and deliver grain to a grain elevator—often because the farmer does not

have adequate storage—for a fixed amount. In many cases, one or more payments paid by the elevator to the farmer under the contract occur after the close of the farmer's taxable year.

For regular tax purposes, farmers are allowed to defer income from the deferred payments under the grain contracts in computing their regular tax liability. But because the IRS apparently views all deferred payment grain contracts as installment sales, it now requires them to add back this income in computing the Alternative Minimum Tax [AMT] in the tax year preceding the year of payment. As a result, thousands of family farmers are facing hefty tax bills because they are being whip-sawed by an AMT provision which effectively repeals their ability to use such contracts.

To make matters worse, many farmers were advised by tax experts that some kinds of traditional deferred payment grain contracts do not amount to an installment sale that would require an AMT calculation. For this reason, they did not make an AMT adjustment on their income tax returns. Now they are being told by the IRS that they owe large tax bills on income that they will not receive until later.

That is why I am introducing legislation to ensure that our family farmers are allowed to engage in deferred payment transactions and get the same kind of tax treatment they have always received.

I do not believe that Congress intended this kind of tax treatment for farmers using deferred payment grain contracts for legitimate business purposes. It seems to me that the IRS position is based upon an incorrect interpretation which ignores the fact that our family farmers are, by law, permitted to manage their business operations on a cash basis.

My bill would simply make clear the original intent of Congress in the Tax Acts of 1986 and 1987, which was to allow farmers to continue to receive the tax benefit provided from the use of cash method accounting and from installment sales for their deferred payment grain transactions.

I urge my colleagues to include this much-needed legislation in any revenue measure considered by the Senate this year.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. COATS], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 5, a bill to clarify the war powers of Congress and the President in the post-cold war period.

S. 104

At the request of Mr. D'AMATO, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 104, a bill to establish the position of Coordinator for

Counter-Terrorism within the office of the Secretary of State.

S. 150

At the request of Mr. MCCAIN, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 150, a bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes.

S. 154

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 154, a bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source.

S. 157

At the request of Mr. BUMPERS, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 157, a bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the United States International Space Station Program.

S. 184

At the request of Mr. HATFIELD, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Illinois [Mr. SIMON], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 184, a bill to establish an Office for Rare Disease Research in the National Institutes of Health, and for other purposes.

S. 223

At the request of Mr. MCCAIN, the names of the Senator from Arizona [Mr. KYL] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 223, a bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes.

S. 234

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Wyoming [Mr. THOMAS], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 281

At the request of Mr. D'AMATO, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 281, a bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purpose of veterans benefits from August 5, 1964, to December 22, 1961.

SENATE CONCURRENT RESOLUTION 5—RELATING TO THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY FOR VICTIMS OF THE HOLOCAUST

Mr. STEVENS submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 5

Whereas, pursuant to such Act, the United States Holocaust Memorial Council has designated April 23 through April 30, 1994, as "Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony to be held at noon on April 27, 1995, consisting of speeches, readings, and musical presentations as part of the days of remembrance activities: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the rotunda of the United States Capitol is hereby authorized to be used on April 27, 1995 from 8 o'clock ante meridian until 3 o'clock post meridian for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED

BALANCED BUDGET AMENDMENT

WELLSTONE AMENDMENTS NOS. 235-236

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

AMENDMENT NO. 234

On page 2, line 3, following the word "unless", insert the following:

"(a) compliance with this requirement would increase the number of hungry or homeless children, or (b)".

AMENDMENT NO. 235

On page 2, line 3, following the word "unless", insert the following:

"(a) a majority of the whole number of each House of Congress shall determine that compliance with this requirement would not provide for the common defense and promote the general welfare, or (b)".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, February 7, at 9:30 a.m., in SR-332, to discuss what tax policy reforms will help strengthen American agriculture and agribusiness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 7, at 9:30 a.m. in open session to receive testimony on U.S. national security strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, February 7, at 9:30 a.m. for a hearing on the subject of regulatory reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REGARDING THE COURAGE OF MRS. DEVORAH HALBERSTAM

• Mr. D'AMATO. Mr. President, I rise today to present the remarks of a courageous woman, Devorah Halberstam, whose son Ari was brutally murdered by Rashid Baz on March 1, 1994, in a cowardly act of terrorism on the Brooklyn Bridge.

Mrs. Halberstam's statement before New York State Supreme Court Justice Harold Rothwax on January 18, 1995, took place before the sentencing of Rashid Baz, who subsequently received 141 years in prison for a single count of second-degree murder, 14 counts of attempted murder in the second-degree, and one count of criminal use of a firearm in the first-degree.

Mr. President, what happened that day on the Brooklyn Bridge was nothing less than an act of terrorism and we should call it just that. Ari Halberstam was murdered for one reason: He was a Jew.

In her poignant statement before the court, Mrs. Halberstam relates a tearful plea that she hopes that what happened to her and her family, never happen to any other family. Her statement is a powerful one and I urge my colleagues to read it so that they may gain a greater insight into the sorrow and grief suffered by a woman whose son was taken from her in an act of terrorism.

Mr. President, I ask that the text of Mrs. Halberstam's statement be included in the RECORD following the conclusion of my remarks.

The statement follows:

STATEMENT BY MRS. DEVORAH HALBERSTAM BEFORE STATE SUPREME COURT JUSTICE HAROLD ROTHWAX, JANUARY 18, 1994

Your Honor: Fourteen boys testified before this Court. Fourteen very special young men whose pure and innocent lives are dedicated to the betterment of our world. Fourteen adolescents whose own lives were forever changes on the Brooklyn Bridge less than a year ago on March 1st.

But the youngest of the students—the fifteenth—his voice was silent. And will remain silent forever.

Ari's blue eyes were deep as the ocean—windows to a soul in which I swam and energized myself every day of his 16 brief years.

A soul who feared nothing but the Almighty, whose humility was an inspiration, whose days and nights were testimony to the heights of human endeavor and aspiration.

A soul hand-picked by the Lubavitcher Rebbe and the Rebbe's wife, to serve as their surrogate child from earliest infancy, to be surrounded by their holiness and kindness and universal love.

A gem of a human being who combined the rigors of Chassidic life with its long days of study, with a grace on the basketball court that was star quality. A mere child who would jump at the opportunity—and they were numerous—to relinquish his own bed to a tired guest. A prince of a boy who was generous to a fault with his time—always ready to listen to a troubled friend.

But above all he loved his family, especially his sisters and brothers.

That, your honor, was my son Ari.

That, your honor is the witness who could not be here to testify.

Which is why I have gathered what fragments are left of my energy and sanity, your honor, to address this court today.

On May 6, 1977, I was blessed and overjoyed as my first born son Ari came into this world.

On March 1, 1994 I was there at his side watching as the final color of life ebbed from his dying face. And on that day, I too died your honor. And my husband.

Our lives will never be the same. Yes, my life has been forever shattered by the hot bullet released by Rashid Baz's cold and calculating and viciously Jew-hating hand.

Your honor, we are compelled to look at the shocking and outrageous events that are going on in our world.

Several weeks ago, Islamic terrorists hijacked a French airliner with nearly 200 passengers. Their intent was to explode the jet in the heart of Paris in a suicide mission that would have killed thousands.

Their mission was not the complete success they had hoped for—instead of thousands, only five innocent civilians were actually murdered.

That very week, an Islamic terrorist—explosives strapped to his body—detonated himself beside a crowded public bus in the heart of Jerusalem. His mission was not the complete success he had hoped for—because only one person was seriously wounded, four others less seriously. The 50 passengers on the target bus were miraculously unharmed.

Two years ago, Islamic terrorists attempted to detonate the World Trade Center hoping to collapse a 110 story building and kill tens of thousands of our fellow Americans.

Their mission was not the complete success they had hoped for—because only 6 were actually killed and dozens more wounded.

On March 1st of last year an Islamic terrorist armed with an arsenal of sophisticated weapons stalked a van carrying 15 Rabbinical students on the Brooklyn Bridge with the intent to kill them all. His mission was not the complete success he had hoped for—because only one of the fifteen was killed—And that as you know, was my precious son Ari.

Your honor. The civilized world cannot afford "failures" like these.

Each day, innocent people—men, women and children—are being targeted in the cross hairs of these mass murderers who would kill and wound indiscriminately, not only others, but even themselves.

They murder with the sanction and participation of governments in Teheran and

Baghdad, Damascus, Lebanon, Tripoli and Khartoum. Governments whose representatives roam our streets freely. Whose diplomatic pouches—laden with plastic explosives and conventional weapons—are inviolate. Whose treacherous plans sews destruction, mayhem and terror in the hearts of civilized people everywhere.

They murder with the blessing of fanatical religious leaders—some of whom are guests in this great land.

They murder in the name of a god they call "Allah the Merciful."

These killers are a disgrace to all people of faith, including the many millions of their own coreligionists who pray for peace in their hearts but dare not speak peace because they fear for their lives.

These murderers respect no territorial boundaries. They obey no law. They view anybody and everybody, but especially Jews, as fair game. They believe—not without justification—the more blood they shed the more ready the world will be to capitulate to their nefarious and bloodthirsty aims.

A cowardly world hands down token sentences to those who are apprehended. Spineless western governments discreetly free some of the most wanton mass killers—releasing them into the hands of the very fundamentalist, dictatorships and theocracies which dispatched them in the first place.

They do this in order to improve their balance of trade, or worse yet, as a payoff, selfishly and foolishly hoping to forestall further acts of terrorism against their own people and on their own territory. This, your honor, is the world we live in. And the time has come to say, "Enough, we won't take it anymore."

I have addressed you on behalf of a civilized world which will be further threatened, further degraded, and further destabilized if this killer gets anything less than the maximum sentence you can give.

The man you will sentence today, Rashid Baz, killed my baby. And robbed Nochum Sossonkin of his youth. And he felt immune and invincible because the world's track record in dealing with his kind is an embarrassment to all civilized and justice-loving people.

The jury which declared this murderer guilty showed incredible personal courage in reaching its verdict. Because the community of Islamic terrorists is as vindictive as it is sadistic.

Yes, Rashid Baz's mission on the Brooklyn Bridge was a failure. Because 14 of his 15 intended victims are still alive.

But for me, my husband, my aged parents, and my four other children—as for the mothers and fathers and grandparents and sisters and brothers and sons and daughters of the other murder victims from those other "failures" I mentioned before—his mission was a success.

For we will never see our Ari again \* \* \* For I will never see my tall, beautiful, kind, scholarly, charming, friendly 16 year old son grow to maturity \* \* \* For my younger children will never again have the loving, compassionate guidance of the older brother they adored \* \* \* For my husband and I will never see the grandchildren we had expected.

And the generations upon generations of descendants that were to have come from Ari will never be—generations that were meant to replace and replenish the catastrophic loss of Jewish life that is our legacy from the Holocaust.

On March 1st Rashid Baz murdered Ari. But he also sentenced me and my family to a lifetime of mourning. To an endless series of sleepless nights. To a wound which can never heal. To a living death which chips away at us, measured in the slow cadence of endless seconds \* \* \* to a limbo of

joylessness which will end only when we ourselves are reunited with Ari.

Indeed, there is nothing that can happen here today, nothing you or anyone else can do to bring Ari back. There is no way to give me back all those years of joy, love and worry. There is no sentence that you can give Baz for my murdered heart or for the security that was robbed from the lives of my children and replaced instead with cobrains, glocks and terror.

What can you say to Ari's sister Sara who grew up side by side with him and was her best friend throughout her life?

Or Chanie, his sister who fears going into any taxicab.

Or Mendy, Ari's brother, who looked up to Ari as his mentor and protector. And who lost his older brother on the day of his birthday.

Or Ari's four year old brother, who keeps asking me when Ari will be back. And whose last prayer at night is I love you Ari with my whole heart please come back home.

Your honor, our pain is too great to bear. We long for our son constantly. We listen for his footsteps and voice in our home.

Yet life must go on, and justice, the inadequate justice that humans can mete out, must be done.

And now, your honor, it is your responsibility to show courage, and demonstrate that we in America are not cowards. That we do not capitulate to the blackmail of terrorism. That we value life and liberty. That those who would presume on American hospitality and freedom in order to bring civilization to its knees will find no refuge in this land. And that here, at least justice will prevail, and this cold blooded killer will never see the light of freedom again so long as he lives.

There is no death sentence in New York State. If there were, I would surely be tempted to ask for it.

Because death would send a message to the world that America knows how to deal with terror.

And death, too, might have brought a measure of finality to the horror me and my family have to live with.

But death, unfortunately, is not an option.

Which is why I beseech you, your honor, from a heart filled with pain and anguish, in the name of civilization and the values we hold dear, in memory of my son, and out of basic consideration for me and my family—sentence Rashid Baz to the very same sentence to which he sentenced us—namely, that not a day, not an hour, not a minute or a second of his life should go by without him being reminded of what he has done.

Remorse? The only remorse he has is over his faulty aim, and the fact that his mission was not completed entirely.

This murderer must live and die behind bars and barbed wire. He must spend the remainder of his natural life caged like the remorseless creature that he is. Deprived of any of the rights or freedoms he mocks. Separated from any opportunity to continue in his ways. Reduced to a number in the impersonal hell of prison. Consigned to a life of living death until God takes him and renders the eternal justice which we on earth cannot.

Your honor, this is the least you can do. Unfortunately, it is also the most.

Thank you.●

#### CRUELTY TO PATIENTS

● Mr. SIMON. Mr. President, one of the more thoughtful writers on our scene today is Joan Beck with the Chicago Tribune.

Recently, she had a column on our national health care system that takes a slightly different perspective on where we are and some of our problems.

I believe her comments merit serious consideration.

We are talking about some modification of the health care system this year.

On the floor of the Senate, several of us on both sides of the aisle have talked about the need for bipartisan cooperation.

I hope we can go ahead.

In the meantime, I urge my colleagues to read the Joan Beck column, and I ask to insert it into the RECORD at this point.

The column follows:

#### CRUELTY TO PATIENTS—NATION'S HEALTH CARE SYSTEM NEEDS AN EXAMINATION

(By Joan Beck)

Even without new federal legislation, health care in America is changing rapidly. Many of these changes are worrisome. Some are deadly scary.

Increasingly, the focus of medical care is becoming to reduce costs, to do only the minimum possible for patients, to wring money out of the system for a new set of corporate providers.

Fewer people are now allowed by HMOs and insurance company rules to see specialists. Far more surgery—more than half in many hospitals—is being done on an outpatient basis, often with assembly-line rules. Hospital stays after childbirth are often numbered in hours, not days.

Hospitals are cutting nursing staffs, lowering the level of patient care and substituting other caregivers with less training and lower pay. Teaching hospitals, with their higher costs and heavy load of patients needing specialized treatment, are getting squeezed.

Many doctors, like Ma and Pa stores swallowed up when a Wal-Mart comes to town, are losing their independence to a whole new world of corporate-managed health care.

Physicians, in fact, don't really seem to be major players in the health-care business these days. Politicians, administrators, employers, insurance companies, even the financial markets, are shaping the future of health care to an extent that makes many people highly uncomfortable—and may endanger their health.

There is a new emphasis on efficiency, not on humanitarianism and healing. Hospitals are competing for contracts from insurance companies, HMOs and big employers to care for large groups of people, often for a fixed, per-person fee. Then they must try to push down their costs however they can—by eliminating unnecessary tests and treatments, by being more efficient, by avoiding as many high-cost procedures as possible, perhaps even by taking risks with patients' health.

Federal efforts to pass national health-care legislation seem to be in hiatus for now, although Illinois Sen. Paul Simon has been trying to talk up the issue again. There are new threats to make drastic cuts and changes in Medicare and Medicaid. Congress may do some tinkering with insurance regulations.

But in the immediate future, changes in health care will not come from Washington. There will be more efforts by hospitals to trim costs. More efforts from HMOs, insurers and employers to get discount prices. More pressures on physicians to follow HMO and insurance company rules. More attempts at

change by the states, particularly California, Minnesota, Washington, Hawaii and Pennsylvania. And more lamenting that while the increase in costs is slowing down, health care still takes 14 percent of the gross national product.

It is difficult to measure the impact of all of these changes on the nation's well-being. But a useful yardstick is to evaluate how these changes affect the way physicians can do their job and how well they safeguard patient choice in their doctors.

Doctors should be the ones to decide the future of health care in the United States—not Hillary Rodham Clinton or Ira Magaziner or Newt Gingrich or Bob Dole or the Republicans or the Democrats or Prudential or Humana or General Motors or Exxon.

It's disappointing to see how little impact doctors have actually had on the health-care debate and on the future of health care and how quietly most of them have gone along with restrictions on how they care for patients.

Medical societies, of course, have issued proposals and lobbied legislators. The American Medical Association has a big lobbying arm in Washington and in 1990 proposed its own Health Access America plan. The Journal of the American Medical Association has published hundreds of articles and proposals, as have other medical journals. But these efforts have not had major impact on the future of health care.

It is taken for granted among health-care reformers that a major factor in high costs has been overtreatment by physicians who stand to make a buck by doing so. Yet these same reformers assume that the same physicians can be trusted not to undertreat patients when the economic incentives are reversed.

Undertreatment is hard to define and, often, to detect. It's difficult to measure outcomes; the data is subject to interpretation, not only for individuals, but for HMO populations, communities and states. Monitoring and evaluation protocols are not well developed. Clinical guidelines need further development if they are to be used as protection against undertreatment. Databases that will permit comparisons are still far from adequate.

People must rely on their physicians to withstand pressures to undertreat, to do what's best for patients regardless of new and increasing incentives to do less than that.

If the kinds of changes now happening in health care really reflect advances in medicine and commendable efforts to reduce unnecessary expenses and unneeded treatment, we should all be cheering. But how can we be sure that pressures from insurers and employers and HMOs won't push doctors and hospitals to cut even more corners that will risk patients' health?

There is still an enormous reservoir of trust in physicians in this country. But it will be increasingly hard for doctors to keep that trust and to deserve it in the new regimes of red tape and cost controls. They will have to figure out how to control the health-care system, not be controlled by others. And they will have to stand up for patients against the cost-cutters and the administrators when they interfere with optimum treatment if we are to be comfortable and safe with our health care in the future.●

## RULES OF THE COMMITTEE ON THE JUDICIARY

● Mr. HATCH. Mr. President, in accordance with rule XXVI, section 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Committee on the Judiciary. The rules follow:

### COMMITTEE ON THE JUDICIARY

#### I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any Member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

#### II. QUORUMS

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

#### III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

#### IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

#### V. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

### VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.●

### ORDERS FOR TOMORROW

Mr. HATCH. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Wednesday, February 8, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak for not to exceed 5 minutes each, with Senator LAUTENBERG to be recognized for up to 15 minutes; further, that at the hour of 9:30 a.m., the Senate resume consideration of House Joint Resolution 1, the balanced budget constitutional amendment, and the time between 9:30 and 11:30 be equally divided between the two leaders or their designees; that at the hour of 11:30 a.m., Senator DASCHLE be recognized for 15 minutes, to be followed by Senator DOLE for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SCHEDULE

Mr. HATCH. Madam President, for the information of all of my colleagues, under the previous order, on Wednesday at 12 noon, Senator DOLE, or his designee, will make a motion to table the Daschle motion to commit. Therefore, Senators should be on notice that a rollcall vote will occur on that motion to table at 12 noon tomorrow.

### RECESS UNTIL WEDNESDAY, FEBRUARY 8, 1995, AT 9:15 A.M.

Mr. HATCH. If there is no further business to come before the Senate and no other Senator is seeking recognition, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:19 p.m., recessed until Wednesday, February 8, 1995, at 9:15 a.m.

# EXTENSIONS OF REMARKS

## INTRODUCTION OF THE AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS OF 1995

**HON. HARRIS W. FAWELL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. FAWELL. Mr. Speaker, today, I join my colleague, the Honorable MAJOR OWENS of New York, in introducing legislation to restore the public safety exemption under the Age Discrimination in Employment Act of 1967 [ADEA]. This exemption, which expired on December 31, 1993, would allow police and fire departments and correctional institutions to utilize maximum hiring ages and early retirement ages as an element of their overall personnel policies. As a general matter, the use of age-based employment criteria is impermissible under the ADEA.

I believe strongly that the use of an age requirement as a qualification for employment is rarely justified. However, the public safety arena presents one of the very limited exceptions where the need to perform at peak physical and mental conditioning is critical and the natural effects of the aging process cannot be discounted. Police and firefighters have the safety and well-being of not only their fellow officers, but the general public as well, in their hands, and we simply cannot tolerate the risk presented by the possibility of sudden incapacitation or slowed reflexes.

I recently chaired a hearing of the Subcommittee on Employer-Employee Relations of the Committee on Economic and Educational Opportunities on the need for the public safety exemption under the ADEA, and the testimony of firefighting and law enforcement organizations and local government was compelling. A representative of the International Association of Firefighters testified that "the most important reason that public safety occupations are an exception to the general rule against age-based employment criteria is simply that human lives are at stake." Both the firefighters and police officers presented persuasive testimony that State and local governments must ensure a physically fit and fully qualified workforce and that there are no adequate physical tests available to enable them to do so without the use of age criteria. I might also add that essentially the same legislation restoring the public safety exemption twice passed the House of Representatives in the last Congress.

Drawing a line between the employment rights of one group of Americans and the general good of all Americans is never easy. However, given the increasingly difficult task facing both the law enforcement and firefighting communities, I do not feel we can deny them a personnel tool which management and labor alike feel is necessary to the effective performance of their jobs. I urge all my colleagues to join me in sponsoring the Age Discrimination in Employment Amendments of 1995 and in restoring the public safety exemption to the ADEA.

## SUPPORT FOR MINIMUM WAGE

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Ms. WOOLSEY. Mr. Speaker, I rise to commend the President in the strongest possible terms for his proposal to increase the minimum wage and provide much-needed relief for the working families of this country.

In 1991, before I came to Congress, I was a human resources consultant. Back then, the minimum wage was at the same level that it is today: \$4.25 an hour. In Sonoma County, where I worked, it was a joke to expect someone to support a family with a minimum wage job, because the minimum wage was not a livable wage. Well, Mr. Speaker, it is even less livable now, because inflation has cut its value by 50 cents over the past 4 years. This is a crisis for America's working families that Congress must address immediately.

To those who oppose President Clinton on this issue, and especially to those who want to eliminate the minimum wage altogether, I want to remind you that 75 percent of the American people agree with our President. I urge my colleagues to unite on behalf of America's working families—to provide them with the wage they deserve.

GOD, GIVE US MEN

**HON. PHILIP M. CRANE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. CRANE. Mr. Speaker, as the new majority in Congress, we face tough decisions in following through with our promises to the American people.

My friend and constituent, Mr. Bill Zimmerman from Gurnee, IL, provided me with a poem that describes the traits Americans expect from their legislators. I include a copy of "God, Give Us Men" for the RECORD, and commend it to the attention of my colleagues.

GOD, GIVE US MEN!

(By Josiah Gilbert Holland)

God, give us Men! A time like this demands  
Strong minds, great hearts, true faith and  
ready hands;

Men whom the lust of office does not kill;  
Men whom the spoils of office cannot buy;

Men who possess opinions and a will;  
Men who have honor; men who will not lie;  
Men who can stand before a demagogue

And damn his treacherous flatteries with-  
out winking!

Tall men, sun-crowned, who live above the  
fog

In public duty and in private thinking;  
For while the rabble, with thumb-worn  
creeds,

Their large professions and their little deeds,  
Mingle in selfish strife, lo! Freedom weeps,  
Wrong rules the land and waiting Justice  
sleeps.

## REDUCTION OF THE OFFICIAL MAIL ALLOWANCE

**HON. THOMAS M. DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. DAVIS. Mr. Speaker, I am today introducing legislation to reduce the official mail allowance of Members of Congress by one-third. I am joined in this request by 21 cosponsors. It has long been my opinion that the ability of Members of Congress to blanket their constituency with unsolicited mass mailings gives them a distinct advantage over challengers in congressional elections. The citizens of the Eleventh District of Virginia have made it clear to me that Congress needs to reform and return itself to its intended purpose as an instrument of the people. It is my hope that this legislation will play a key role in these reforms.

In the past, the official mail allowance was determined by multiplying the number of addresses in a Member's congressional district by the first class postal rate. The current formula allows each Member three times the total number of addresses in their congressional district. The Committee on House Oversight has been responsible for regulating this appropriation; however, preliminary figures have shown that Members altogether overspent this allowance by approximately \$2 million last year. It is clear that we need to take stronger action in order to control this appropriation.

Tomorrow, the Committee on House Oversight will enact regulations that will consider cutting the statutory appropriation. My legislation will couple this regulation by reducing the number of addresses in the formula determining a Member's official mail allowance, resulting in a real money difference of approximately \$55,000 per Member each year. I hope my colleagues and the Committee on House Oversight will support our efforts in the fight for this overdue change.

## HONORING DR. LAURANCE NICKEY

**HON. RONALD D. COLEMAN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. COLEMAN. Mr. Speaker, I rise to applaud the efforts of a special leader in my home community of El Paso, TX. In fact, I am quite proud to commend the American Medical Association in its decision to award the 1994 Dr. Nathan Davis Awards to Dr. Laurance Nickey, who will be honored with the Career Public Servant Award at a special awards

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

banquet tonight at the Mayflower Hotel. The Dr. Nathan Davis Awards are presented for outstanding contributions "to promote the art and science of medicine and the betterment of the public health."

Dr. Laurance Nickey is the director of the El Paso City-County Health District and has long been proactive in promoting the public health of the entire southwestern border region. In fact, Dr. Nickey was the first to propose the idea of creating a United States-Mexico Border Health Commission, which was signed into law in October 1994. Dr. Nickey espoused the need to work collaboratively with health, officials of the Mexican side because of his true commitment to improving the health of residents all along the border.

Dr. Nickey has a long and impressive history of service in El Paso, where he was raised. He founded a private pediatric practice there from 1960 to 1983. Dr. Nickey's accomplishments can be found in both the legislative and community health arenas. Legislatively, Dr. Nickey was instrumental in securing legislation that prohibits insurance companies in Texas from discriminating against newborn babies during the first several weeks of life. Dr. Nickey's community successes include the 1963 oral polio immunization program, which administered 800,000 doses of polio vaccine to El Pasoans, west Texans and southern New Mexicans. In 1965, Dr. Nickey was responsible for getting a tuberculosis control physician from the U.S. Public Health Service to come to El Paso, which led to the establishment of an excellent tuberculosis control unit to be operated by the Texas Department of Health through the El Paso City-County Health District.

More, recently, in 1990, Dr. Nickey launched the improved pregnancy outcome program [IPOP], which resulted in the increase of prenatal visits in El Paso from 420 to over 17,000. In fact, at Thomason General Hospital, our principal public hospital, the percentage of women that delivered without prenatal care fell from 40 percent to 11 percent. In August 1991, Dr. Nickey began the only local international task force on cholera along the southwestern border. This project encompassed widespread community involvement. These are but a few. Dr. Nickey's list of accomplishments is impressive and endless.

I know that I share the appreciation and admiration of all El Pasoans when I say, thank you, Dr. Nickey, for your tireless and selfless efforts toward improving the health of all Americans.

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#### THE PAPERWORK REDUCTION ACT OF 1995

### HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. SISISKY. Mr. Speaker, I rise today to voice my strong support for H.R. 830, the Paperwork Reduction Act of 1995. I and four other Members of this House joined Mr. CLINGER last night in introducing this urgently needed and long overdue legislation, and I strongly urge my Democratic and Republican colleagues to lend it their wholehearted support.

H.R. 830 makes a series of improvements which strengthen the Paperwork Reduction

Act of 1980. It gives the Federal agencies the tools and the mandate they need to curb paperwork demands on small businesses. It makes permanent the OMB office that is responsible for overseeing the paperwork reduction process. And it closes the enormous loophole created by the Dole Supreme Court case, which agencies have taken advantage of to exempt themselves from requirements of the original Paperwork Reduction Act.

In the 103d Congress, Congressman CLINGER joined me in introducing H.R. 2995, the Paperwork Reduction Act of 1993, a very similar version of the same bill. In this Congress, I have the distinct pleasure of joining Congressman CLINGER in introducing H.R. 830.

I am pleased that H.R. 830 and its Senate counterpart enjoy such broad bipartisan support, as well as the endorsement of the Clinton administration. It is truly good news for small businesses all across the country that this bill has such promising prospects for enactment.

As a senior Democrat on the Small Business Committee, I know that small businesses consistently rank the reduction of Government paperwork as one of their top priorities. Federal paperwork requirements amount to a hidden tax on small businesses, who spend billions of dollars every year in compliance. Since small businesses are responsible for creating most new jobs in today's economy, it only makes sense to check this hindrance to small business job creation.

Reducing the amount of paperwork drowning small businesses in America is a reform that both Democrats and Republicans can enthusiastically support. It is encouraging that Members of both parties have been able to put aside their partisan differences to work together on this important legislation. I hope this effort can serve as a model for constructive bipartisan cooperation on many other issues that directly affect small businesses and average citizens on a day-to-day basis.

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#### WHAT NEGRO HISTORY MONTH MEANS TO ME

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. CLAY. Mr. Speaker, black Americans have fought in every war in which the United States has been involved. However, black soldiers were not afforded the same rights and privileges as their white counterparts until recently. Despite the courage and patriotism they displayed, black soldiers were often forced to endure overt discrimination and racism from their superiors and peers.

I want to share with my colleagues an essay that describes the trials of one black soldier. The account was written by Joseph "Joe" Myers, my old friend and club member in the Lamb's Club. It is my hope that Joe's story will positively inspire my colleagues during this Black History Month.

#### WHAT NEGRO HISTORY MONTH MEANS TO ME (By Joseph "Joe" Myers)

This is a salute to the Negro American men and women who served in the United States Marine Corp during the last fifty years.

As I lie here thinking of Negro history month being celebrated today, little did I know or think when I volunteered for service in the U.S. Marine Corp in Dec. 1942, that I would today be considered a legend in Negro Military History.

Being among the first thirty platoon of men enlisted and called, the quota was to be twelve hundred (1200) and this was on an experimental basis to see if we could finish basic training, which was hazardous and highly disciplined. To become part of this highly elite organization was our goal. We had all kinds of setbacks, embarrassing, degrading and harassing experiences, but we banded together with our dignity and pride.

We made it. This was the first time in U.S. Marine Corp history that Negro Americans were on record as part of the U.S. Marine Corp. The first thirty platoons were trained and supervised by white instructors who reminded us constantly that we were not wanted in the Corp. They even suggested we go over the hill (AWOL). This made us band together with more determination to prove we were as qualified as others.

Today it makes my heart beam with joy to hear a great leader, General Colin Powell, former Chief of Staff, state that The Montford Point Marines are among the Negro Military legends. To have served and see blacks rise from a Boot recruit to a Lt. General and now Major, and Brigadier Generals is amazing. I knew it would happen. Yes, we served in World War II, the Korean era, the Vietnam conflict, the Desert Storm, Granada, Panama and now the Haitian conflict.

We have served with the highest distinction, some even getting this nation's highest award, "The Congressional Medal of Honor" and awards for being among the best fighter pilots in combat. Yes, we salute the men and women who have followed in our footsteps and are continuing to carry the baton.

To quote General Chappie James: "We have run a good race and come a long way, but there are better trophies ahead."

You may hear some conflicting lies and exaggerating stories about us. If you want the true analysis ask someone from the First Thirty Platoons.

Semper Fi.

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#### MARSHA GRILLI: MILPITAS CITIZEN OF THE YEAR

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. STARK. Mr. Speaker, I rise today to recognize the achievements of Ms. Marsha Grilli, a resident of the city of Milpitas in the 13th Congressional District. She has just been selected as the 1995 Milpitas Citizen of the Year by the Milpitas Chamber of Commerce.

Marsha has been an active member of the Milpitas community for over 13 years but has really made her mark in our community's schools. She has been immersed in the education of her five children, as any parent would be. But Marsha's interest in their education has benefited all of the schoolchildren of Milpitas.

She has served on numerous committees, including the Community Board Advisory Council, school site councils, and Curtner School Association. She was the cofounder of the Milpitas Foundation for Education, served

as its chair and continues to be an active member. The foundation's purpose is to work with businesses to secure grants for both teachers and students. Under Marsha's leadership, the foundation has made a difference in Milpitas. Since Marsha was recently elected to the Milpitas Unified School District, she is no longer able to serve on its board of directors, but I am certain that she will continue to be even more dedicated—if that is possible—to our schools in her new capacity.

In 1990, Mayor McHugh appointed Marsha to the Parks, Recreation and Cultural Resources Commission for the city of Milpitas. She currently serves as the commission's chair. She has also been an active member of the Milpitas Volunteer Partners Program for many years where she has participated in such programs as the Fall Fest and Milpitas USA Parade and Festival. Marsha also recently cochaired the Great Mall of the Bay Area Evening Gala which raised over \$35,000. She has also been a member of several other organizations such as the Little League, Cub Scouts, Pal Soccer, the Milpitas Chamber of Commerce, and Trinity Episcopal Church.

Marsha is also a successful businesswoman who, while raising a family and managing her child care business, has always taken the time to give back to her community. That is why I am proud to recognize Ms. Marsha Grilli as the 1995 Milpitas Citizen of the Year.

TRIBUTE TO TERRANCE NELSON  
HOSKINS MEDINA

**HON. JOHN LINDER**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. LINDER. Mr. Speaker, I want to take this opportunity to recognize Terrance Nelson Hoskins Medina on his accomplishment of earning the rank of Eagle Scout. This is a substantial achievement demonstrating his abilities and perseverance, as only 2 percent of all Scouts ever achieve the Eagle rank.

Terrance began Scouting in 1988, as a member of the Emory Presbyterian Church-sponsored Troop 55. However, in just 2 years Terrance had moved from Troop 55 to Troop 455, where he was elected to the Order of the Arrow. On February 7, 1995, he completed his Eagle Scout requirements having reconstructed a 60-by-5-foot bridge for the Morningside Presbyterian Church.

Aside from Scouting, Terrance has maintained an "A" average, while still allowing enough time to devote himself to his music. For the past two summers, Terrance has participated in the highly competitive program at Interlochen, MI, where he specialized in the flute. He has also performed for the Atlanta Symphony Youth Orchestra and Olympic band and was also named to the All State band in 1994. After graduation, he plans to attend a conservatory where he can continue his study of music.

I extend my congratulations to Terrance, who should be justifiably proud of his accomplishments. I also congratulate his parents, Augusto and Norma Medina, and his adult Scout leaders whose support and encouragement helped make his goal a reality.

INTRODUCTION OF THE HAYES-  
BAKER SMALL BUSINESS  
AMENDMENT TO H.R. 5

**HON. JAMES A. HAYES**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. HAYES. Mr. Speaker, as much as the debate surrounding unfunded Federal mandates is grounded in Federal irresponsibility toward State and local governments, unfunded mandates also undermine our respect for and commitment to the small entrepreneur. 97.6 percent of the nongovernmental, non-agricultural businesses in my home State of Louisiana employ 99 workers or less. We depend on the small businessman to provide jobs for our children and our grandchildren. With unfunded mandates already estimated to cost \$229 per capita in fiscal year 1995, Louisiana's small businessmen and their employees can ill-afford to shoulder any additional regulatory burdens.

It is for these reasons that my Louisiana colleague, RICHARD BAKER, and I proposed an amendment to H.R. 5 to ensure that the business community is adequately factored into the unfunded mandate equation. Our proposal is consistent with the substance and intent of our own regulatory and legislative review bill, the Small Business and Private Sector Economic Impact Act, H.R. 58.

This amendment would modify title III of H.R. 5 to require that the Director of the Congressional Budget Office [CBO], at the request of any standing committee of the House or Senate, consult with and assist those committees in analyzing, when practicable, whether legislation has a significant employment impact on the private sector. The CBO will continue to examine the significant budgetary impact on State, local, or tribal governments as well as the significant financial impact on the private sector. Given the enormous workload that CBO must shoulder to fulfill its current obligations under this bill, our amendment necessarily focuses the committees on unfunded mandates specifically impacting jobs. At the same time, our amendment allows the committees to appropriately prioritize to ensure that the legislative process is not bogged down and that the CBO does not study employment issues whenever such matters are nongermane or de minimis.

President Wilson once characterized our search for direction by saying that "there is much excitement and feverish activity, but little concert of thoughtful purpose." I believe that his insight paints an accurate picture particularly when, as is currently the case, the Federal bureaucracy fails to set priorities, places its needs ahead of those of the people it is supposed to serve, and when regulators, and Members of this body for that matter, propose inane, onerous laws and regulations without regard for who ultimately must pay for them. Clearly, the people should be made aware of the full effect, good and bad, that their Government's actions will have on them. This amendment would help prevent the Federal Government from shirking its responsibility.

INTRODUCTION OF THE RURAL  
TELEMEDICINE ACT OF 1995

**HON. BLANCHE LAMBERT LINCOLN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mrs. LINCOLN. Mr. Speaker, I rise today along with my two colleagues, Congressman JAY DICKEY and Congressman BILL RICHARDSON to introduce a bill which will have far-reaching implications for rural citizens in our Nation. This legislation, the Rural Telemedicine Act of 1995, will finally provide rural health care providers with Medicare reimbursement for the telemedicine services they provide.

Telemedicine, while not all that new, has the potential to become the breakthrough technology for rural residents and their access to specialized and emergency health care. However, we have a role in making sure that rural residents have access to this possible innovation.

In the past, Congress has focused solely upon providing funding for the equipment to transmit telemedicine services. This bill will enhance our efforts by giving providers in rural areas appropriate Medicare reimbursement for the services they are already providing for free. I am concerned that if we do not begin to pay for utilization, this service will not meet its potential and rural constituents will be left out in the cold again.

The Rural Telemedicine Act of 1995 is very cost conscious. The Health Care Financing Administration [HCFA] will oversee the disbursement of the Medicare funds to determine that care givers are using telemedicine appropriately. In addition, HCFA must provide Congress with several reports, both during and after this project's 3-year lifetime. This provision alone removes the blank-check syndrome we have experienced through pilot programs being constantly reauthorized. In this instance, Congress will receive substantive data about the most viable uses of telemedicine.

I urge Members of this House to seriously consider cosponsoring the Rural Telemedicine Act of 1995. Please assist your rural constituencies in gaining access to viable health care options.

AMENDING THE CLEAN WATER  
ACT

**HON. RANDY "DUKE" CUNNINGHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. CUNNINGHAM. Mr. Speaker, on February 2, 1995, I was pleased to join my colleagues from San Diego in introducing H.R. 794. Representative BILBRAY's bill, H.R. 794, is intended to amend the Clean Water Act to exempt San Diego from secondary sewage treatment requirements of its wastewater.

Current law requires every city, no matter its environmental conditions, to handle sewage at the secondary level. However, study after study has concluded that sewage treated at advanced primary levels and released into ocean depths greater than 300 feet does not harm the environment. With this in mind, it

seems senseless to appropriate billions of dollars to upgrade a system to secondary treatment when our ocean waters are adequately protected at the primary levels.

The Environmental Protection Agency [EPA] has been trying to force San Diego to upgrade its wastewater treatment plant, at a cost of billions, to comply with the act. The Clean Water Act mandates that cities use secondary treatment of sewage which removes at least 85 percent of the solids from sewage. However, San Diego's Point Loma Wastewater Treatment Plant uses advanced primary treatment to remove approximately 82 percent of the solids before it is discharged 4.5 miles out into the ocean.

For years, San Diego has argued that because of its deep ocean outfall, secondary treatment of its sewage is unnecessary and costly. According to noted scientists from Scripps Institute of Oceanography, it may even be detrimental to the environment. That is why I am encouraged that H.R. 794 would allow the city of San Diego to be free of the requirements regarding biological oxygen demand and total suspended solids in the effluent discharged into marine waters. Such modifications will not alter the balance of our marine life and viability.

As a Representative of San Diego, a retired naval officer, and all around sea-lover, I have immense concerns for the proper treatment of our waters. San Diego is unique in its ability to discharge of its waste into deep waters. We are unlike so many cities that must discharge into lakes and rivers. I believe this issue should be treated as a matter of common sense. According to current law, San Diego would be required to waste money to alter a system that has proven successful. The intent of H.R. 794 is to allow San Diego to treat its sewage in a cost-effective, as well as environmentally safe, manner.

Finally, I would like to thank Representative BILBAY for his efforts in this regard. This legislation would help to right a major wrong for San Diego. I look forward to the consideration of H.R. 794 in the near future. Speaker GINGRICH has also stated his concern for this unique situation. Speaker GINGRICH has proposed that 1 day a month be set aside in the House for the consideration of bills, such as this, targeted to eliminate specific activities of Federal agencies that are deemed stupid. I believe this is a perfect example of an unfunded mandate at its worst. As witnessed by majority votes in the House and Senate, there is a need to prevent Congress from imposing mandates, often unnecessary, on States without providing the proper funding for them.

#### INTRODUCTION OF THE TOXIC POLLUTION RESPONSIBILITY ACT AND THE MUNICIPAL LIABILITY CAP ACT

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. SMITH of New Jersey. Mr. Speaker, today, I reintroduced legislation addressing one of the central problems in the Superfund Program—municipal liability. I have introduced this legislation in the past two sessions and was pleased that it was included in principle in

the comprehensive Superfund reform which was supported by a wide coalition and nearly gained congressional approval last year.

The Toxic Pollution Responsibility Act and the Municipal Liability Cap Act would free local governments from the costly entanglements of third party lawsuits generated by parties eager to share the costs of Superfund cleanup. Far too often, potentially responsible parties [PRP's] with obligations to contribute to clean-up costs initiate third party lawsuits against communities which had disposed simple municipal solid waste as sties which later found their way onto the National Priorities List [NPL]. Sometimes, these legal actions are predicated on serious, but erroneous, intentions of shifting cleanup costs to municipalities and taxpayers. Sometimes, however, they are just dilatory tactics meant to postpone final payments and cleanup.

The success of these tactics is obvious. In the 15 years of the program, only 5 percent of the 1,245 sites on the NPL have been completely cleaned up. And for that small accomplishment, an estimated \$20 billion in combined Federal, State, and private funds has been spent. The National Association of Manufacturers estimates that the average site clean up takes 11 years and between \$25 and \$40 million. This is a far cry from the original EPA estimates of 5 to 8 years and \$7 million.

To linger in negotiations and courts for years on end is very costly. A November 1993 Rand Corp. study of Superfund-related expenditures for 108 companies indicates that 32 percent of these combined expenses went to legal fees. There are few municipalities—particularly small communities—which can afford such exorbitant prices. To meet these costs, implicated towns would have little recourse other than tax hikes and/or reduced local services.

And beyond this, these lawsuits have averted the main principle of the Superfund law—to make the polluter pay.

Municipalities are not the hazardous waste polluters. They disposed simple everyday waste at these sites—coffee beans, toilet paper tubes, and banana peels—and not the industrial hazardous waste which transformed simple landfills into Superfund sites. There is no equating one with the other. And the law must reflect this distinction.

Furthermore, communities performed this duty not only to fulfill their traditional local responsibilities, but at the behest of the U.S. Congress and the Environmental Protection Agency [EPA]. In passing the Resource Conservation and Recovery Act of 1976 [RCRA], Congress specifically noted that "the collection and disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies." Congress was clear in RCRA that local governments should hold the primary responsibilities in solid waste management within their jurisdiction. Are we to punish them now for complying so efficiently?

The two bills which I have introduced today recognize the innocence of these actions. The provisions of the bills apply to transporters and generators of municipal solid waste which have not been named by the EPA as PRP's. The first of my bills—the Toxic Pollution Responsibility Act—would entirely exempt these parties from the threat of third party suits. The second of my bills—the Municipal Liability Cap Act—would cap the total municipal liability obligation at 4 percent for each site. This cap

was first advocated in 1992 by an internal EPA review board. This principle was also incorporated into last year's comprehensive Superfund reform proposal as a 10-percent cap on municipal liability.

The overwhelmingly decisive passage of unfunded mandates legislation by the House demonstrates our commitment to providing overburdened local governments with long overdue relief. These are our partners in governance and serve the same citizens we serve. We owe them this much. I encourage my colleagues to cosponsor one or both of these initiatives and I encourage the House Committee on Commerce to consider this important proposal for inclusion once again in a comprehensive Superfund reform package.

#### A DECENT MINIMUM WAGE

**HON. MIKE WARD**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. WARD. Mr. Speaker, I would like to bring to the attention of my colleagues an article by Robert Kuttner which appeared in the January 29, 1995 issue of the Washington Post. I feel that this article vividly illustrates the need for an increase in the minimum wage and I hereby submit the following text of this article for the RECORD.

[From the Washington Post, Jan. 29, 1995]

#### A DECENT MINIMUM WAGE

(By Robert Kuttner)

President Clinton wants to raise the minimum wage. The Republicans object. Indeed, House Majority Leader Richard Arney wants to repeal existing minimum wage laws.

Politically, this was a difficult call for Clinton. On the one hand, raising the minimum wage seems to contradict Clinton's well-advertised return to his "New Democrat" roots. The federal minimum wage evokes FDR, factory workers and the Great Depression, a set of images that Clinton hopes to transcend. The middle class, object of Clinton's courtship, earns a lot more than the minimum wage—or it isn't middle class.

At the same time, a higher minimum wage clearly resonates with the Clinton theme of honoring work. In his State of the Union speech, the president once again saluted Americans working longer hours for less pay, and suggested they deserve more reward. These are precisely the people who've stopped voting, but who tend to vote Democratic when they vote at all.

Contrary to mythology, most of the 4 million minimum wage workers are not teenagers flipping burgers after school. They are breadwinners, mostly female, contributing to an increasingly inadequate household income.

Moreover, the value of the minimum wage has deteriorated markedly. Throughout the late 1950s, under President Eisenhower, it had a real (inflation adjusted) value of over \$5 an hour in today's dollars. In the mid-'60s, before eroded by inflation again, it peaked at \$6.38—50 percent higher than today's value. As recently as 1978, it was worth over \$6, enough for two breadwinners to earn a barely middle-class living. Today it is just \$4.25.

In that sense, the Republican views on the minimum wage are also contradictory. Republicans, even more fiercely than President Clinton, want to replace welfare with work. But if work doesn't pay a living wage, then

even people who dutifully take jobs can't pay the rent.

Republicans also want budget balance. But hiking the minimum wage is a lot more budget-friendly than having government subsidize low-wage work.

The government's principal device for making work pay is the Earned Income Tax Credit—a kind of negative income tax targeted to low-wage workers with families. It was expanded, with strong bipartisan support, in 1993. Next year, the EITC will cost the federal budget more than \$15 billion.

Of course, the Republican desire to encourage work and reduce federal outlays clashes with the Republican worship of unregulated markets. Conservatives, seconded by many economists, have long argued that minimum wage laws reduce jobs. By raising the cost of workers, minimum wages force industry to make fewer hires.

That makes intuitive sense. However, a new and comprehensive study by two Princeton University economists rebuts the conventional wisdom. Economists David Card and Alan Krueger had a laboratory case when New Jersey raised its state minimum wage and neighboring Pennsylvania did not.

Card and Krueger found that employment in New Jersey actually expanded after that state hiked its minimum wage from \$4.25 to \$5.05 an hour in April 1992. Comparable fast-food outlets across the river in eastern Pennsylvania, whose minimum wage remained at \$4.25, experienced lower job growth. Nor was New Jersey's hike in wages offset by reduced fringe benefits. The economists found similar results in studying other states.

What explains these surprising findings? In their forthcoming book, "Myth and Measurement" Card and Krueger find that management has a degree of "market power." They could have been paying higher wages all along. They simply chose not to, given that enough workers were available at the lower wage.

Contrary to the usual claim that higher minimum wages are inflationary, they also found that restaurants mostly did not respond to the higher labor costs by raising prices. Rather they offset the higher pay with improved output and lower turnover. In some cases, they simply absorbed the higher costs.

At some point, say \$7 an hour, Card and Krueger agree that a higher minimum wage would likely reduce employment. But with the value of the minimum wage having eroded so badly, we are nowhere near that tipping point.

All of this suggests that the wisdom of legislating a decent social minimum is far from a cut-and-dried economic proposition. It is simply a political choice.

As a society, we can permit employers to recruit as many low-wage workers as they please, at the lowest going rate. But it turns out that the path of low productivity and low wages doesn't necessarily produce more jobs. Alternatively, we can insist that more company earnings be shared with employees—and we may well reap a more productive economy as well as a fairer one, at less cost to the taxpayers.

By embracing higher minimum wages, President Clinton has identified himself with the work ethic and with the occasional virtue of government regulation to correct imperfect markets and protect vulnerable people. In a speech that otherwise seemed heavily Republican, it was a good place to draw the line.

## LINCOLN'S LASTING LEGACY

### HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. RADANOVICH. Mr. Speaker, many of us are about to return home, to the communities we represent and to the constituents we serve, to join in observing Lincoln Day. In the words of the man whose birth 186 years ago we celebrate on February 12 and whose memory we venerate, that commemoration is "altogether fitting and proper." It also is, in my belief, remarkably timely when we pause to compare Mr. Lincoln's views on Government to what we understand is the mandate that brought us to Washington.

Recently, when our neighbors on Capitol Hill, the Library of Congress, put on public display the original manuscripts of the Gettysburg Address, I joined with tens of thousands of our fellow Americans who visited this exhibition. While there I talked with members of the Library staff in charge of rare documents and was given a brief tour of the stacks in which are held some of the papers of our past Presidents, including Abraham Lincoln.

I assure my colleagues and constituents, Mr. Speaker, that it was one of the more memorable moments of my life to hold in my hands correspondence and other materials actually written by Mr. Lincoln. And, of course, there was that simple signature we have seen reproduced so many times in so many places, "A. Lincoln."

The experience moved me to look anew at Lincoln works and words. At every turn it seems, Mr. Lincoln demonstrated a strict adherence to the ideals of our Founders. His proclamation in 1863 said:

No service can be more praiseworthy and honorable than that which is rendered for the maintenance of the Constitution and the consequent preservation of free government.

The Lincoln basic belief in self-government is compellingly clear in an 1858 Chicago speech:

I have said very many times . . . that no man believed more than I in the principle of self-government; that it lies at the bottom of all my ideas of just government from beginning to end.

Mr. Lincoln's definition of Government's purpose stands at the best I ever have encountered. Speaking in Springfield, IL in 1854, he said:

The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot do so well for themselves, in their separate and individual capacities. In all that people can individually do as well for themselves, government ought not to interfere.

The preeminent position of the people in public affairs was a Lincoln guiding light. As a Member of this House of Representatives, he spoke from the floor in 1848:

In leaving the people's business in their own hands, we cannot be wrong.

In his First Inaugural Address, President Lincoln asked in 1861:

Why should there not be a patient confidence in the ultimate justice of the people; Is there any better or equal hope in the world?

On Independence Day that year, the message to Congress from President Lincoln advised:

The people themselves, and not their servants, can safely reverse their own deliberate decisions.

And, from perhaps one of the most-repeated of Lincoln quotations comes his counsel about the ultimate wisdom of the people:

You can fool all the people some of the time and some of the people all of the time, but you can't fool all of the people all of the time.

Mr. Speaker, Abraham Lincoln also addressed the meaning of mandates from the people who elect us. His 1861 speech in Pittsburgh as President-elect referring to the balloting behind him should admonish us today as we reflect on our own elections:

We should do neither more nor less than we gave the people reason to believe we would when they gave us their votes.

These are the Lincoln lessons. They are the Lincoln legacy.

As I prepare to commemorate Lincoln Day with friends and family in Fresno, Mariposa, and elsewhere in California's 19th District, I pledge that my service will remain faithful to Lincoln principles.

## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained during the vote on the Spratt-Moran amendment to expend the President's line-item veto authority to include tax loopholes. Had I been present for this vote, I would have voted "Aye."

## HONORING DR. LAURA FLIEGNER

### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. HINCHEY. Mr. Speaker, on February 25, my friends in Ulster County, NY, will gather to pay tribute to a woman who has dedicated years of service to our community. It is an honor and a privilege to ask that this body join me in tribute to Dr. Laura Fliegner, a woman of considerable talent and vision, who has served as district superintendent of the Ulster County board of cooperative extension since 1987.

It has been a personal pleasure to count Dr. Fliegner among my friends and advisors over the years. She is a woman dedicated not just to the education and training of our community's young people, but she is also committed to making the community more receptive and eager to participate in the many good works that she has initiated. Laura has a rare gift for conveying to a wide constituency the importance of our young people and the vital contribution that they can and should make to our community. In her capacity as liaison and board member to a wide range of service and business organization throughout the Hudson

Valley, she has been able to bring about programs and progress that have effected positive change for all of us.

Those of us who have been privileged to work with Laura over the years will sorely miss her continued participation in the betterment of our region. I thank my esteemed colleagues for taking this opportunity to recognize the public service that Dr. Flegner has extended to the community at large.

SALUTING CUYAHOGA COUNTY  
BAR FOUNDATION PUBLIC SERV-  
ANTS MERIT AWARD RECIPIENTS

**HON. LOUIS STOKES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. STOKES. Mr. Speaker, I rise today to salute eight individuals who are being honored as outstanding public servants. On Thursday, February 16, 1995, the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association will be hosting the 49th Public Servants Merit Awards luncheon at the Marriott at Society Center. On that occasion, eight individuals will receive the Franklin A. Polk Public Servants Merit Award. The individuals are: John D. Chmielewski, Rita B. Cloonan, Carrie Cook, Gail A. Dadich, Deidre Taylor, Sherman S. Terry, Jr., Robert C. Townsend II, and George F. Williams.

The Public Servants Merit Award is named in honor of Franklin A. Polk, a distinguished lawyer who chaired the Annual Public Servants Awards luncheon for 40 years. As the 49th Awards luncheon approaches, Frank will be remembered for recognizing the efforts and contributions of public servants.

Mr. Speaker, I take special pride in saluting the 1995 Public Servants Merit Award recipients. I want to share with my colleagues some information on these outstanding individuals. Mr. John D. Chmielewski has served his entire career with the clerk of courts. He currently holds the post as deputy of the criminal division office. Mr. Chmielewski is a native of Cleveland. He is a graduate of Holy Name High School, Cuyahoga Community College, and Cleveland State University.

Mr. Chmielewski can boast numerous accomplishments during his career. He is responsible for developing an integrated information system, which upon completion will link the county's various criminal justice offices. He is a member of the jail utilization committee which facilitated the design and construction of the new annex. In addition, he is credited with the development of the State's first updatable microfiche system for court system use; the creation of a bar-coded charge-out system for criminal files, and an optical imaging system to replace the photocopying process.

Mr. Chmielewski, who resides in Brecksville, is also active in his community. He has conducted various seminars for neighborhood community and records management principals, and coached for the Brecksville/Broadview Heights Soccer Organization. He is also a member of the Brecksville/Broadview Heights Band Boosters. He and his wife, Susan, are the proud parents of three children, Adam, Jason, and Laura.

Mr. Speaker, Ms. Rita Cloonan is also a native Clevelander, and a graduate of Charles F.

Brush High School. Her tenure with the Cuyahoga County Probate Court spans 24 years. She currently serves as deputy clerk/secretary for the court. During her career, she has worked in the account department, release of assets, and the application counter.

As deputy clerk, Ms. Cloonan schedules hearings, processes adversary complaints, assists attorneys and law clerks with court filings, and the general public in estates and guardianship filings. She is also responsible for compiling data and filing monthly status reports for judges and referees.

Ms. Cloonan is an active member of her community. She is a volunteer at St. Malachi Church, where she helps to feed homeless and needy individuals. She is also a member of the Westlake Irish-American Club, and coordinates the Ohio Irish festival. Ms. Cloonan is also politically active, serving as a campaign volunteer with the Rocky River Democratic Club. Bowling, gardening, needlework, antique shopping and travelling are just a few of her favorite hobbies.

Mr. Speaker, Mrs. Carrie W. Cook graduated from high school in Columbus, MS, where she was born, and has attended Cuyahoga Community College. At present she is enrolled at Moody Bible Institute. Mrs. Cook has been employed at Cuyahoga County Juvenile Court since 1970.

For the past 15 years, Mrs. Cook has supervised the traffic unit. In this post she is responsible for directing and coordinating activities of the department. The position also involves a close working relationship with other court offices and staff. Mrs. Cook's court tenure has also included providing administrative support to child support counselors and the Equal Employment Opportunity Commission manager.

Mrs. Cook is a member of First Bethel Baptist Church, where she is president of the gospel choir, a Sunday school teacher for the adult class and a member of the executive board. Her hobbies include reading, cooking, crafting, home decorating, and helping the needy. She and her husband, Arthur, will mark their 28th wedding anniversary this year. They reside in Cleveland Heights, and are the proud parents of a son, Ereik.

Mr. Speaker, Mrs. Gail A. Dadich is the next Public Servants Merit Award recipient. For the past 13 years, she has served as the journal department administrative assistant/court community service liaison for the Cuyahoga County Domestic Relations Court. A native of Berea, OH, she is a graduate of James Ford Rhodes High School.

In her current post, Mrs. Dadich reviews journal entries to make certain that all documents required by statute and local rules are attached. She also monitors contempt of court cases for compliance with the court's order for community service in lieu of jail time. Additionally, she fills in as acting bailiff and scheduler for the judges.

Mrs. Dadich and her husband, Dan, are residents of North Royalton. They are the proud parents of three children, Devon, Danny, and Derek. In her spare time, Mrs. Dadich enjoys cross-stitching, movies, and sports. She is an avid Cleveland Browns fan, and supports the North Royalton Soccer Club, where her sons are team members.

Mr. Speaker, the next honoree, Mrs. Deidre Taylor, has enjoyed a 24-year tenure with the courts. She is currently the administrative as-

stant to the Eighth District Court of Appeals. Mrs. Taylor is a native of Cleveland and a graduate of St. Augustine Academy. She is currently enrolled in Dyke College where she is working toward a bachelor's degree in management.

In her role as administrative assistant, Mrs. Taylor is responsible for budget preparation and personnel administration. She also oversees the purchase of furniture and supplies for the office. Prior to this assignment, she served as administrative clerk for the common pleas court.

Mrs. Taylor, and her husband, James, have been married 23 years and reside in Euclid. They are the proud parents of four children, Colleen, Katie, James, and Megan. Mrs. Taylor is a member of the East Side Irish-American Club, St. Felicitas School PTU and Boosters, and the Ohio Association for Court Administration. Her other activities include coaching girls' summer league softball and reading.

Mr. Speaker, Mr. Sherman Sumner Terry, Jr., has been employed by the common pleas court for 26 years. He is a native Clevelander and a graduate of John Adams High School. Mr. Terry currently serves as assistant chief scheduler in the central scheduling office. He is the former president and vice president of the bailiff and attaches association.

Mr. Terry is a decorated veteran who saw active duty in Korea with the United States Army's 40th Infantry Division, 160 Infantry Regiment, Company D, and attained the rank of staff sergeant. His military decorations include the Combat Infantryman Badge, Korean Service Medal with three Bronze Stars, United Nations Medal, National Defense Medal, Good Conduct Medal, and the Republic of Korea Presidential Unit Citation Badge.

Mr. Terry and his wife, Ruby, are residents of Shaker Heights. They have two adult children, Sherman III and Celeste, and a daughter-in-law, Gail. Mr. Terry is a Boy Scout leader and a volunteer for the United Black Fund. At the Fifth Christian Church [Disciples of Christ] he has served as treasurer, a member of the Christian men's fellowship and the male choir. Mr. Terry is also a gifted artist, an avid photographer, and enjoys travelling.

Mr. Speaker, our next honoree, Robert C. Townsend II serves as the chief bailiff for the Cleveland Municipal Court. He is a graduate of Glenville High School and Clark-Atlanta University. His previous positions with the court have included personal bailiff, deputy bailiff, equal employment opportunity compliance and personnel officer and deputy court administrator.

Throughout his career, Mr. Townsend has received special training in criminal justice and court administration. He has studied at Case Western Reserve University, Cleveland State University, and George Washington University. Mr. Townsend and his wife, Roberta, are the proud parents of a daughter, Alisa, and a son, Robert.

Mr. Townsend has been active in more than 25 community-based organizations where he has been an officer or board member. They include the Association of Neighborhood Councils, NAACP, Cleveland Magnet School Advisory Committee, Community Organizations for Community Progress, and the Corrections Planning Board of Cuyahoga County, just to name a few. He was honored as most

trusted volunteer by the Federation of Community Planning, and is the former chair of the Cuyahoga Metropolitan Housing Authority.

Mr. Speaker, the final honoree for the Public Servants Merit Awards is George F. Williams. Mr. Williams is a native of Knoxville, TN. He attended John Hay High School and Kent State University.

Prior to joining the Cleveland Municipal Court, Mr. Williams was employed at Precision Metalsmiths, Inc. Currently, he serves as a deputy clerk at the court, where he is the assistant supervisor of the criminal counter division. He has been employed by the Court for 26 years.

Mr. Williams is an active member of the Emanu-El AME Zion Church, where he is a member of the board of trustees and the victory chorus. His other hobbies include listening to jazz music and travel. Mr. Williams and his wife, Yvonne, have been married nearly 38 years. They are the proud parents of a son, George F. Williams, Jr., and daughter, Peggy J. Dunlap.

Mr. Speaker, I take pride in saluting the eight individuals who have been selected to receive the Public Servants Merit Awards. They have each exhibited a strong commitment to public service and personal excellence. I also commend the bar foundation and bar association for recognizing the importance of honoring employees who strive to make the court system work more effectively.

A BILL TO REVISE THE TAX  
TREATMENT OF MUNICIPAL SECURITIES  
PURCHASED AT MARKET DISCOUNT

**HON. BENJAMIN L. CARDIN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. CARDIN. Mr. Speaker, today I am introducing, along with my Ways and Means Committee colleague, Representative CLAY SHAW, legislation to repeal a provision of the 1993 tax bill that has reduced secondary market liquidity for municipal bonds and complicated the Tax Code unnecessarily. The existing law will likely make it more difficult for States and localities to invest in our Nation's crumbling infrastructure.

The provision in question changed the way certain municipal bonds are treated under the Internal Revenue Code and caused some of these bonds to be less attractive to investors. As a result of this provision, State and local issuers attempting to address America's chronically underfunded public investment needs may be forced to offer higher yields on their securities, which would drive up their borrowing costs.

Of critical importance to the success of the American system of public finance is the liquidity of the secondary market for municipal bonds. Investors are willing to accept lower rates of return on State and local government securities because of the tax exemption, but also because they know they can readily sell their bonds, if necessary, before maturity. It is this indispensable characteristic of the municipal bond market that was handicapped in 1993 by the Budget Act.

In certain situations, holders of municipal bonds seek to sell their securities at what is

known as a market discount. Market discount is the difference between the purchase price of a bond and its stated redemption price at maturity. In general, market discount occurs when a bond is purchased on the secondary market at a price below par or below the adjusted issue price. Market discount is typically caused by a rise in market interest rates or a decline in the creditworthiness of the borrower.

Before the enactment of the 1993 budget reconciliation bill, accreted market discount on a municipal bond was taxed as capital gain at the time the bond was sold, redeemed, or otherwise disposed of. A strong public policy argument can be made that, consistent with the tax exemption on municipal bond interest, market discount on State and local government securities should be exempt from taxation altogether.

However, the legislation Congressman SHAW and I have introduced today seeks only to restore the traditional capital gains treatment of market discount bonds. We believe that increases in the value of market discount bonds should be treated as capital gains, consistent with the standard treatment of increases in the value of most investments.

Under the new law, however, accreted market discount is taxed as ordinary income. Since they are now subject to higher ordinary income tax rates, market discount bonds have become more difficult to sell on the secondary market than other municipal bonds.

Furthermore, any security issued by a State or locality could become a market discount bond at some point during its life, so secondary market liquidity for all municipal securities has decreased. With the repeated rises in interest rates over the past year, the 1993 change has had dramatic consequences for the secondary market in these bonds.

The change to ordinary income tax treatment for market discount bonds also reduces their liquidity because investors cannot use capital gains on market discount bonds to offset capital losses. Investors in secondary market municipal securities now demand higher rates of return to compensate them for higher tax rates on discount bonds and for increased risk that the securities will be more difficult to sell.

The bottom line on the higher tax rates for market discount is that State and local governments could ultimately face higher costs in issuing securities to pay for much needed public infrastructure investment. Early anecdotal evidence suggests that yields on market discount bonds are as much as 25 basis points higher than they would have been under the old rules. These effects have been exacerbated over the past year as interest rates have risen and bond prices have fallen.

Moreover, the new market discount rule has resulted in a reporting nightmare for bond dealers, mutual funds, bank trust funds, and others who are required to sort out and document income to taxpayers. Some tax-exempt mutual funds have simply stopped buying market discount bonds altogether because of this complexity, further reducing the liquidity of and demand for these securities and driving up their yields.

The new market discount rules could result in higher capital costs for State and local municipal bond issuers, raise extremely complex financial considerations that repel investors, and provide little or no economic advantage to the Federal Government. As Federal and

State budgets get tighter and tighter, the importance of the tax-exempt market increases. For those reasons, I propose that Congress restore the law to its pre-1993 status.

The current proposal to cut the capital gains tax presents us with an opportunity to address this important issue. Consistent with that effort to encourage investment, we should reverse the destructive proposal enacted in 1993, and remove the penalty on investors and issuers it imposed. I encourage my colleagues to join me as cosponsors of this legislation.

TRIBUTE TO JAMES A. WILLIAMS

**HON. ROBERT A. BORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 1995*

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to my good friend, Jim Williams, who will be honored as "Glazier of the Year" at the Glaziers, Architectural Metal and Glass Workers Union Local No. 252's annual stewards dinner on March 11, 1995.

Mr. Williams has been chosen for this honor because of his unparalleled dedication to the glazing industry and organized labor. As a third generation glazier, Jim has provided the members of local No. 252 with the finest training in the country, fair and decent contracts, and the access to a dignified retirement. His tireless efforts on behalf of all unionized workers will benefit the labor movement for years to come.

Jim Williams began his apprenticeship with Glaziers and Glass Workers Local No. 252 in 1968 upon graduating from Northeast Catholic High School. The next year he enlisted in the Army to serve our country in Vietnam. As an infantryman, he was awarded two Bronze Stars, the Army Accommodation Medal, and an Alr Medal. Returning home in 1971, Jim completed his apprenticeship and began work as a journeyman glazier. He was elected president of local No. 252 in 1975. He was subsequently chosen as business manager in 1979, serving until August, 1994, when he was elected to his current position as vice president of the International Brotherhood of Painters and Allied Trades.

As business manager, Mr. Williams made Glaziers Local No. 252 into a well respected and influential force in the Delaware Valley, with membership tripling. He personally oversaw the construction of a new union hall in the northeast in 1982, which has since expanded with an Apprentice Training Facility.

Jim Williams has also been very successful in many other areas. He has served as a member of the board of trustees of Temple University, and vice president of the Philadelphia Building Trades Council. In addition, he has been a board member of the Private Industry Council of Philadelphia and Special trustee and general representative of the I.B.P.A.T. Along with these esteemed positions, Mr. Williams has been honored repeatedly for his contributions to various organizations. In 1982, he received the prestigious UNICO Man of the Year Award. He was also chosen as Labor Man of the Year by the Israeli Bond Association in 1990, and in 1992 he received the Vietnam Veterans Labor Leader of the Year Award.

Along with his many professional accomplishments, Mr. Williams is respected as a traditional family man. He resides in Holland, PA, with his wife of 22 years, Gerrie, and their two daughters and two sons.

Mr. Speaker, I thank you for this opportunity to bring to the attention of the House the accomplishments of Mr. Williams, a dedicated and respected worker who has contributed much to both his profession and society at large. I commend Mr. Williams for these achievements.

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LINE-ITEM VETO ACT

SPEECH OF

**HON. VIC FAZIO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 6, 1995*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2), to give the President line-item veto authority over appropriation Acts and targeted tax benefits in revenue Acts:

Mr. FAZIO. Mr. Chairman, there is no doubt that we must build on the progress we have made in getting the deficit under control. The line-item veto will help us do this by highlighting and eliminating wasteful and unnecessary spending. It will enable us to spotlight narrow interest items and make it difficult for them to be camouflaged in large, omnibus spending bills.

However, I have several serious concerns about the version of the line-item veto that is proposed in H.R. 2. H.R. 2 is not the solution to our problem. Although the underlying con-

cept is sound, the process yields disturbing results.

First, H.R. 2 drastically skews the balance of power in favor of the executive branch of Government. It transfers the most important power that our Constitution gives Congress—the power of the purse—to the President and could result in just substituting Presidential spending priorities for congressional ones. This shift in power raises the question of the degree to which we want to let a President use a punitive approach to force Members to vote for things they would otherwise oppose. The President could use these new powers to force Congress to increase spending on Presidential priorities. This could undermine the original purpose of the line-item veto, possibly resulting in more—not less—spending.

If the intent of this bill is to rein in congressional spending even more, it is important to realize that Congress has more than lived up to its responsibility to contain Federal spending. Over the last 15 years, Congress has appropriated less money than the President has proposed. Furthermore, over the past 20 years in which the President has had authority to rescind appropriations, Presidents have proposed \$72 billion in rescissions. During that same time, Congress has passed rescissions of \$92 billion—\$20 billion more than Presidents have requested.

Lastly, the bill's supermajority requirements are dangerous. If H.R. 2 is enacted as written, a President, along with a very small minority—only 34 Senators or 146 Representatives—would be able to override the decisions of elected majorities in the House of Representatives and Senate. Additionally, supermajorities tend to create gridlock. I can well remember the 1992 California State budget crisis when our State legislature and Governor were held

hostage because a two-thirds majority was needed to approve budget changes made by the Governor. The gridlock that this created demonstrates the need for a majority, not two-thirds, vote on a President's ability to change Congress' spending priorities. If we are serious about keeping gridlock out of Congress, we must support giving Congress an opportunity to overturn a President's decision by majority alone.

It is for these reasons that I support the alternative proposed by my colleagues Mr. WISE of West Virginia, Mr. STENHOLM of Texas and Mr. SPRATT of South Carolina. Their version of the line-item veto is identical to a bill that passed the House last year by a vote of 342–69. It requires a vote in the House—under accelerated procedures—on rescissions and vetoed tax benefits proposed by the President. Under the Wise-Stenholm-Spratt substitute, the President's rescission package becomes effective only if it is approved by the House and Senate. It therefore forces Members of Congress to be accountable for their votes on crucial budget issues. Yet, it preserves the constitutional balance of power and upholds the principle of majority rule.

There is still a great deal of work to be done if we are to continue our efforts to reduce Government spending and bring the deficit under control. We must continue to make sizeable reductions in Federal spending in order to sustain the economic growth of the past 2 years. That is why I support the goals of H.R. 2—uncovering and eliminating unwarranted, wasteful, and special-interest spending and tax breaks. But we need to do so without an extreme—and possibly counterproductive—shift in legislative power. In order to be effective, we must approach this honestly, fairly, and responsibly.

Tuesday, February 7, 1995

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S2217–S2276*

**Measures Introduced:** Nine bills and one resolution were introduced, as follows: S. 360–368 and S. Con. Res. 5. Pages S2268, S2274

**Balanced Budget Constitutional Amendment:** Senate continued consideration of H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States. Pages S2218–55

**Pending:**

Daschle motion to commit the resolution, with instructions to report back forthwith, with Daschle Amendment No. 231, to require a budget plan before the amendment takes effect.

Pages S2218, S2230–31, S2253–54

Dole Amendment No. 232 (to instructions to commit), to establish that if Congress has not passed a Balanced Budget Amendment to the Constitution by May 1, 1995, within 60 days thereafter, the President shall transmit to Congress a detailed plan to balance the budget by the year 2002. Page S2218

Dole Amendment No. 233 (to Amendment No. 232), in the nature of a substitute. Page S2218

Senate will resume consideration of the resolution on Wednesday, February 8, with a vote on a motion to table the Daschle motion to commit to occur thereon. Page S2217

### Appointments:

**Senate Arms Control Observer Group:** The Chair, on behalf of the Majority Leader, pursuant to S. Res. 105, adopted April 13, 1989, as amended by S. Res. 280, adopted October 8, 1994, announced the following appointments and designations to the Senate Arms Control Observer Group: Senator Stevens as Majority Administrative Co-Chairman; and Senators Thurmond and Lugar as Co-Chairmen for the Majority. Page S2255

**Joint Committee on Taxation:** The Chair announced, on behalf of the Chairman of the Finance Committee, pursuant to section 8002 of title 26, United States Code, a substitution in the membership of the Joint Committee on Taxation: Senator

Hatch for the duration of the 104th Congress only, in lieu of Senator Dole, resigned. Page S2255

**Messages From the House:** Page S2267

**Measures Referred:** Page S2267

**Communications:** Pages S2267–68

**Statements on Introduced Bills:** Pages S2268–73

**Additional Cosponsors:** Page S2273

**Amendments Submitted:** Page S2274

**Additional Statements:** Pages S2274–76

**Recess:** Senate convened at 10 a.m., and recessed at 6:19 p.m., until 9:15 a.m., on Wednesday, February 8, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S2276.)

### Committee Meetings

*(Committees not listed did not meet)*

#### TAX POLICY REFORMS FOR AGRICULTURE

**Committee on Agriculture, Nutrition, and Forestry:** Committee held hearings to examine what tax policy reforms will help strengthen American agriculture and agribusiness, receiving testimony from Senators Burns, Pressler, Kohl, and Dorgan; Keith Collins, Acting Chief Economist, Department of Agriculture; Andy Biebl, Biebl, Ranweiler, and Company Charter, New Ulm, Minnesota; Alan Reynolds, Hudson Institute, Washington, D.C.; William Sprague, Kentucky Farm Bureau, Sturgis, on behalf of the American Farm Bureau Federation; Phyllis Gardner, Max, Nebraska, on behalf of the National Cattlemen's Association; Pierce Miller, San Angelo, Texas, on behalf of the American Sheep Industry Association; Roger Hadley, Indiana Soybean Association, Woodburn, on behalf of the American Soybean Association; and John Dean, Glenwood State Bank, Glenwood, Iowa, on behalf of the Independent Bankers Association of America.

Committee will meet again on Tuesday, February 14.

**NATIONAL SECURITY**

*Committee on Armed Services:* Committee held hearings to examine United States national security strategy issues, receiving testimony from Hans Dinnendijk, Director, Institute for National Security Studies, National Defense University, Department of Defense; Dov Zakheim, SPC International, Arlington, Virginia; and Paul Wolfowitz, Johns Hopkins University Paul H. Nitze School of Advanced International Studies, Washington, D.C.

Hearings were recessed subject to call.

**PRESIDENT'S ECONOMIC PLAN**

*Committee on the Budget:* Committee held hearings to examine the current national economic situation and the President's proposed budget request for fiscal year 1996, receiving testimony from Robert E. Rubin, Secretary of the Treasury; and Laura D'Andrea Tyson, Chair, Council of Economic Advisers.

Hearings continue tomorrow.

**SUBCOMMITTEE ASSIGNMENTS**

*Committee on Environment and Public Works:* Committee made the following subcommittee assignments:

*Subcommittee on Transportation and Infrastructure:* Senators Warner (Chairman), Smith, Kempthorne, Bond, Faircloth, Baucus, Moynihan, Reid, and Graham.

*Subcommittee on Superfund, Waste Control, and Risk Assessment:* Senators Smith (Chairman), Warner, Inhofe, McConnell, Lautenberg, Moynihan, and Boxer.

*Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety:* Senators Faircloth (Chairman), Inhofe, Thomas, McConnell, Graham, Lieberman, and Boxer.

*Subcommittee on Drinking Water, Fisheries, and Wildlife:* Senators Kempthorne (Chairman), Faircloth, Thomas, Bond, Warner, Reid, Lautenberg, Lieberman, and Boxer.

**SUBCOMMITTEE MEMBERSHIP**

*Committee on Foreign Relations:* Committee announced the following subcommittee assignments:

*Subcommittee on European Affairs:* Senators Lugar (Chair), Kassebaum, Brown, Snowe, Thompson, Biden, Pell, Sarbanes, and Feingold.

*Subcommittee on African Affairs:* Senators Kassebaum (Chair), Snowe, Ashcroft, Feingold, and Feinstein.

*Subcommittee on Near Eastern and South Asian Affairs:* Senators Brown (Chair), Snowe, Thompson, Thomas, Grams, Feinstein, Sarbanes, Kerry, and Robb.

*Subcommittee on Western Hemisphere and Peace Corps Affairs:* Senators Coverdell (Chair), Helms, Lugar, Thompson, Dodd, Pell, and Robb.

*Subcommittee on International Operations:* Senators Snowe (Chair), Helms, Brown, Coverdell, Ashcroft, Kerry, Pell, Biden, and Feingold.

*Subcommittee on International Economic Policy, Export and Trade Promotion:* Senators Thompson (Chair), Thomas, Grams, Ashcroft, Sarbanes, Pell, and Biden.

*Subcommittee on East Asian and Pacific Affairs:* Senators Thomas (Chair), Lugar, Kassebaum, Coverdell, Grams, Robb, Biden, Kerry, and Feinstein.

**REGULATORY REFORM**

*Committee on Governmental Affairs:* Committee held hearings on proposed legislation to reform the regulatory process, to make Government more efficient and effective, receiving testimony from Senators Dole, Nickles, Hutchison, Shelby, and Bond.

Hearings continue tomorrow.

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# House of Representatives

**Chamber Action**

**Bills Introduced:** Fifteen public bills, H.R. 842-856; and three resolutions, H. Con. Res. 24-25 and H. Res. 62, were introduced. Page H1371

**Reports Filed:** The following reports were filed as follows:

H.R. 667, to control crime by incarcerating violent criminals, amended (H. Rept. 104-21, filed on February 6); and

H.R. 668, to control crime by further streamlining deportation of criminal aliens, amended (H. Rept. 104-22, filed on February 6).

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designates Representative Burton of Indiana to act as Speaker pro tempore for today. Page H1285

**Recess:** House recessed at 10:26 a.m. and reconvened at 11:00 a.m. Page H1291

**Question of Privileges of the House:** By a yeand-nay vote of 288 yeas to 143 nays, Roll No. 96, the House agreed to the Arney motion to table an

appeal of the ruling by the Chair that H. Res. 57, to preserve the constitutional role of the House of Representatives to provide for the expenditure of public money and ensure that the executive branch of the United States Government remains accountable to the House of Representatives for each expenditure of public money, did not raise a question of the privileges of the House. **Pages H1298–H1302**

**Victim Restitution Act:** By a yea-and-nay vote of 431 yeas, Roll No. 97, the House passed H.R. 665, to control crime by mandatory victim restitution.

**Pages H1302–14**

Agreed to the committee amendment in the nature of the substitute. **Page H1313**

Agreed to the Sanders amendment, as modified by the McCollum amendment, that requires corporations convicted of a white collar crime to notify the victims of that crime. **Pages H1312–13**

H. Res. 60, the rule under which the bill was considered, was agreed to earlier by voice vote.

**Pages H1302–06**

**Meeting Hour:** Agreed to meet at 9:00 a.m. on Friday, February 10. **Page H1326**

**Unanimous-Consent Request:** It was made in order that the Speaker at any time may declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of H.R. 729, to control crime by a more effective death penalty, and that the first reading of the bill be dispensed with. All points of order against consideration of the bill shall be waived. General debate shall be confined to the bill and shall not exceed one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate, the bill shall be considered for amendment under the five-minute rule for a period not to exceed 6 hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute ordered reported by the Committee on the Judiciary, and all points of order against the substitute shall be waived. The committee amendment in the nature of a substitute shall be considered as having been read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. **Page H1326**

**Exclusionary Rule Reform Act:** House completed all general debate and began consideration of amendments to H.R. 666, to control crime by exclusionary rule reform; but came to no resolution thereon. Consideration of amendments will resume on Wednesday, February 8.

**Pages H1314–41**

Rejected:

The Conyers amendment that sought to limit and codify the “good faith” exception to searches and seizures with warrants later to be found invalid; and to enact the current limited “good faith” exception for searches in which evidence was not excluded if it was retained in a “good faith” reliance on a statute, which was later held to be unconstitutional (rejected by a recorded vote of 138 yeas to 291 noes, Roll No. 98); and

**Pages H1323–31**

The Watt amendment in the nature of a substitute that sought to strike provisions applying the “good faith” exception to the exclusionary rule to warrantless searches; and to replace it with the text of the fourth amendment of the United States Constitution (rejected by a recorded vote of 121 yeas to 303 noes, Roll No. 99).

**Pages H1332–41**

H. Res. 61, the rule under which the bill is being considered, was agreed to earlier by voice vote.

**Pages H1314–16**

**Committees to Sit:** It was made in order that the following committees and their subcommittees be permitted to sit on Wednesday, February 8, during the proceedings of the House under the five-minute rule: Agriculture, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, International Relations, Judiciary, National Security, Resources, Science, and Transportation and Infrastructure. **Page H1341**

**Amendments Ordered Printed:** Amendments ordered printed pursuant to the rule appear on pages H1372–73.

**Quorum Calls—Votes:** Two year-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H1301–02, H1314, H1331, and H1340–41. There were no quorum calls.

**Adjournment:** Met at 9:30 a.m. and adjourned at 10:03 p.m.

## *Committee Meetings*

### COMMITTEE BUSINESS

*Committee on Agriculture:* Met to consider pending Committee business.

### REFORMING WELFARE SYSTEM

*Committee on Agriculture:* Subcommittee on Department Operations, Nutrition and Foreign Agriculture

held a hearing on reforming the present welfare system. Testimony was heard from Jane L. Ross, Director, Income Security Issues, Health, Education, and Human Services Division, GAO.

Hearings continue tomorrow.

### TRANSPORTATION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Transportation held a hearing on the Secretary of Transportation. Testimony was heard for Federico Peña, Secretary of Transportation.

### ADMINISTRATION'S BUDGET

*Committee on the Budget:* Held a hearing on the Administration's Budget Submission for fiscal year 1996. Testimony was heard from Alice M. Rivlin, Director, OMB.

### JOB CREATION AND WAGE ENHANCEMENT ACT; COMMITTEE BUSINESS

*Committee on Commerce:* Began consideration of Title III, Risk Assessment and Cost/Benefit Analysis for New Regulations, of H.R. 9, Job Creation and Wage Enhancement Act.

Will continue tomorrow.

The Committee also considered pending Committee business.

### COMMITTEE OVERSIGHT PLANS; COMMITTEE BUDGET

*Committee on Economic and Educational Opportunities:* Approved the following: Oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight; and the Committee Budget.

### TRAINING ISSUES

*Committee on Economic and Educational Opportunities:* Subcommittee on Postsecondary Education, Training and Life-Long Learning continued hearings on Training Issues. Testimony was heard from Doug Ross, Assistant Secretary, Employment and Training Administration, Department of Labor; Marshall Smith, Under Secretary, Department of Education; Argeo Paul Cellucci, Lieutenant Governor, State of Massachusetts; Peter Calderone, Commissioner of Labor, State of New Jersey; and a public witness.

### OPM RESTRUCTURING

*Committee on Government Reform and Oversight:* Subcommittee on Civil Service held a hearing on restructuring the Office of Personnel Management. Testimony was heard from James B. King, Director, OPM; Diane M. Disney, Deputy Assistant Secretary, Civilian Personnel, Department of Defense; Fernando

Alegria, Associate Executive Director, Office of Administration and Personnel Management, SEC; and from the following former Directors of OPM: Donald Devine and Constance Horner.

### PAPERWORK REDUCTION ACT REAUTHORIZATION; JOB CREATION AND WAGE ENHANCEMENT ACT

*Committee on Government Reform and Oversight:* Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs held a hearing on the following: Reauthorization of the Paperwork Reduction Act; and Title III, Risk and Assessment and Cost/Benefit Analysis for New Regulations of H.R. 9, Job Creation and Wage Enhancement Act of 1995. Testimony was heard from Sally Katzen, Administrator, Office of Information and Regulatory Affairs, OMB; Gene Dodaro, Assistant Comptroller General, GAO; and public witnesses.

### BRIEFING—MILITARY OPERATIONS IN SOMALIA

*Committee on International Relations:* Subcommittee on Africa met in executive session to receive a closed briefing on U.S. Military Operations in Somalia. The Subcommittee was briefed by the following officials of the Department of State: George E. Moose, Assistant Secretary, Bureau of African Affairs; and David Shinn, Director, Office of East African Affairs, Bureau of African Affairs; and the following officials of the Department of Defense: Fred Smith, Principal Deputy Assistant Secretary, International Security Affairs; and Lt. Gen. Howard M. Estes III, USAF, Joint Chiefs of Staff.

### FOREIGN RELATIONS AUTHORIZATION

*Committee on International Relations:* Subcommittee on International Operations and Human Rights held a hearing on 1996–97 Foreign Relations Authorization: Department of State Management Initiatives. Testimony was heard from Richard M. Moose, Under Secretary, Management, Department of State. Hearings continue tomorrow.

### COMMITTEE OVERSIGHT PLANS

*Committee on the Judiciary:* Approved oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight.

### MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on National Parks, Forests and Lands approved for full Committee action the following bills: H.R. 694, amended, Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995; and H.R. 606, to

amend the Dayton Aviation Heritage Preservation Act of 1992.

### AMTRAK'S FISCAL CRISIS

*Committee on Transportation and Infrastructure:* Subcommittee on Railroads held a hearing on Amtrak's Fiscal Crisis. Testimony was heard from Jolene Molitoris, Administrator, Federal Railroad Administration, Department of Transportation; Kenneth Mead, Director, Transportation Issues, GAO; and Thomas Downs, President, National Railroad Passenger Corporation (Amtrak).

### WATER RESOURCES DEVELOPMENT ACT

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing on the Water Resources Development Act of 1995. Testimony was heard from public witnesses.

### ADMINISTRATION'S BUDGET PROPOSALS

*Committee on Ways and Means:* Held a hearing on the Administration's fiscal year 1996 budget proposals. Testimony was heard from Robert E. Rubin, Secretary of the Treasury.

Hearings continue tomorrow.

### MEDICARE RELATED ISSUES

*Committee on Ways and Means:* Subcommittee on Health continued hearings on Medicare related issues. Testimony was heard from Senators Kerrey and Gregg; and public witnesses.

Hearings continue February 10.

### ALDRICH AMES ESPIONAGE CASE

*Permanent Select Committee on Intelligence:* Met in executive session to hold a hearing on the Aldrich Ames Espionage Case. Testimony was heard from departmental witnesses.

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## COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 8, 1995

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on the Budget,* to hold hearings on the President's fiscal year 1996 budget for the Federal Government, 9:30 a.m., SD-608.

*Committee on Finance,* organizational meeting to consider subcommittee membership; to be followed by hearings to examine proposed tax cuts contained in the President's fiscal year 1996 budget for the Federal Government, 9:30 a.m., SD-215.

*Committee on Governmental Affairs,* to continue hearings to examine regulatory reform issues, 9:15 a.m., SD-342.

*Committee on the Judiciary,* to hold hearings on the nominations of Sandra L. Lynch, of Massachusetts, to be

United States Circuit Judge for the First Circuit, Lacy H. Thornburg, to be United States District Judge for the Western District of North Carolina, Sidney H. Stein, to be United States District Judge for the Southern District of New York, Thadd Heartfield, to be United States District Judge for the Eastern District of Texas, and David Folsom, to be United States District Judge for the Eastern District of Texas, 2 p.m., SD-226.

*Select Committee on Intelligence,* to hold closed hearings on intelligence matters, 2 p.m., SH-219.

### House

*Committee on Agriculture,* Subcommittee on Department Operations, Nutrition and Foreign Agriculture, to continue hearings on reforming the present welfare system, 9:30 a.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Transportation, on the National Transportation Safety Board, 10 a.m., 2358 Rayburn.

*Committee on Commerce,* to continue markup of Title III, Risk Assessment and Cost/Benefit Analysis for New Regulations of H.R. 9, Job Creation and Wage Enhancement Act, and to consider the Committee budget, 1 p.m., 2123 Rayburn.

Subcommittee on Energy and Power, oversight hearing on the Department of Energy's proposed Budget for fiscal year 1996, 10 a.m., 2322 Rayburn.

*Committee on Economic and Educational Opportunities,* Subcommittee on Employer-Employee relations, hearing on Removing Impediments to Employee Participation/Electromotion, 9:30 a.m., 2175 Rayburn.

*Committee on Government Reform and Oversight,* Subcommittee on National Growth, Natural Resources and Regulatory Affairs, to mark up the following: Reauthorization of the Paperwork Reduction Act; and H.R. 450, Regulatory Transition Act of 1995, 9 a.m., 2154 Rayburn.

*Committee on House Oversight,* to consider pending business, 11 a.m., 1310 Longworth.

*Committee on International Relations,* Subcommittee on International Operations and Human Rights, to continue hearings on 1996-97 Foreign Relations Authorization: International Organizations, Conferences, and Commissions, 9 a.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on Immigration and Claims, to hold an organizational meeting; followed by an oversight hearing on the management practices of the Immigration and Naturalization Service, 9:30 a.m., 2226 Rayburn.

*Committee on National Security,* hearing on the fiscal year 1996 National Defense authorization request, 9:30 a.m., and 1:30 p.m., 2118 Rayburn.

*Committee on Resources,* to mark up the following bills: H.R. 402, to amend the Alaska Native Claims Settlement Act; H.R. 421, to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region; H.R. 715, Sea of Okhotsk Fisheries Enforcement Act; H.R. 716, to amend the Fishermen's Protective Act; H.R. 541, to reauthorize the Atlantic Tunas Convention Act of 1975; H.R. 622, to implement the Convention on Future Multilateral Cooperation in the

Northwest Atlantic Fisheries; H.R. 535, to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; H.R. 584, to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa; and H.R. 614, to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, 11 a.m., 1324 Longworth.

*Committee on Rules*, to consider the following: Committee Budget; H.R. 667, Violent Crime Incarceration Act of 1995; and H.R. 668, Criminal Alien Deportation Improvement Act of 1995, 3 p.m., H-313 Capitol.

*Committee on Science*, to mark up H.R. 655, Hydrogen Future Act of 1995; and Title II, Risk Assessment and Cost/Benefit Analysis for New Regulations of H.R. 9, Job Creation and Wage Enhancement Act of 1995; and to consider oversight plans for the 104th Congress for submission to the Committee on Government Reform and

Oversight and the Committee on House Oversight, 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Surface Transportation, hearing on legislation to approve the National Highway System and Ancillary Issues relating to Highway and Transit Programs, 10:30 a.m., 2167 Rayburn.

*Committee on Ways and Means*, to continue hearings on the Administration's fiscal year 1996 budget proposals, 10 a.m., and to mark up the following: Oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight; Budget recommendations for the report to the Committee on the Budget; Committee Budget; and H.R. 697, to amend the Internal Revenue Code of 1986 to restore, for taxable years beginning in 1994, the deduction for the health insurance costs of self-employed, 1 p.m., 1100 Longworth.

*Next Meeting of the SENATE*

9:15 a.m., Wednesday, February 8

## Senate Chamber

**Program for Wednesday:** After the recognition of one Senator for a speech and the transaction of any morning business (not to extend beyond 9:30 a.m.), Senate will continue consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment, with a vote on a motion to table the Daschle motion to commit to occur thereon.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

11 a.m., Wednesday, February 8

## House Chamber

**Program for Wednesday:** Complete consideration of H.R. 666, Exclusionary Rule Reform Act; and Consideration of H.R. 729, Effective Death Penalty Act (open rule, 1 hour of general debate).

## Extensions of Remarks, as inserted in this issue

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